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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE'S OFFICE  
DIRECTOR OF STRATEGY, PERFORMANCE  
AND GOVERNANCE  
Paul Dodson

03 December 2019

Dear Councillor

You are summoned to attend the meeting of the;

## **CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 11 DECEMBER 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



Director of Strategy, Performance and Governance

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor M S Heard

#### VICE-CHAIRMAN

Councillor S P Nunn

#### COUNCILLORS

Miss A M Beale  
M R Edwards  
B E Harker  
K M H Lagan  
C Mayes  
C Morris  
N G F Shaughnessy  
Mrs J C Stilts  
C Swain

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 11 DECEMBER 2019**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 13 November 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. **FUL/MAL/19/00730 - Queen Victoria Public House, Spital Road, Maldon** (Pages 13 - 26)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

6. **FUL/MAL/19/00978 - Land North of White House, Wycke Hill, Maldon** (Pages 27 - 42)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

7. **FUL/MAL/19/01055 and LBC/MAL/19/01056 - Beeleigh Abbey, Abbey Turning, Maldon** (Pages 43 - 58)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

8. **FUL/MAL//19/01060 - Anchor Guest House, 7-9 Church Street, Maldon** (Pages 59 - 72)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

9. **FUL/MAL/19/01061 - Anchor Guest House, 7-9 Church Street, Maldon** (Pages 73 - 86)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

10. **WTPO/MAL/19/01071 - 34 Highlands Drive, Maldon** (Pages 87 - 96)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

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

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### **Reports for noting:**

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

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

### **Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

### **NOTICES**

#### **Sound Recording of Meeting**

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. 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
- 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)
- Essex and South Suffolk Shoreline Management Plan – October 2010

### **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 Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards 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

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  
13 NOVEMBER 2019**

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**PRESENT**

|               |  |
|---------------|--|
| Chairman      | Councillor M S Heard   |
| Vice-Chairman | Councillor S P Nunn  |
| Councillors   | Miss A M Beale, M R Edwards, C Mayes, C Morris,<br>N G F Shaughnessy, Mrs J C Stilts and C Swain |

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B E Harker and K M H Lagan.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 24 July 2019 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

Councillor S P Nunn declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED as the Ward Member and he knew the applicant. He further declared a non-pecuniary interest in Agenda Item 6, ADV/MAL/19/00935 – 102B High Street, Maldon, Essex, CM9 5ET, as the Ward Member.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED as she knew the applicant.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED as she knew the applicant.

5. **FUL/MAL/19/00730 - THE QUEEN VICTORIA, SPITAL ROAD, MALDON, ESSEX, CM9 6ED**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/19/00730</b>  |
| <b>Location</b>                                       | The Queen Victoria Public House, Spital Road, Maldon   |
| <b>Proposal</b>                                       | Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision.   |
| <b>Applicant</b>                                      | Mr John Hubbard  |
| <b>Agent</b>  | Mr Matthew Chorley - Alderton Associates   |
| <b>Target Decision Date</b>                           | 15.11.2019   |
| <b>Case Officer</b>                                   | Nicola Ward  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In – Councillor C Mayes Public interest, an increase in parking provision, provision of disabled parking and access through the venue site, and local amenity value. |

The Officer presented their report to the Committee and made reference to the Members' Update which confirmed that a further eight letters of representation had been received.

Following the presentation, Mr Chris Harvey, a Supporter, and Mr James Burrell, speaking on behalf of both the Applicant and Agent, addressed the Committee.

Councillor S P Nunn opened the discussion requesting that further information be provided around the parking quota allocated to the public house, and how the Council reached its decision.

The Lead Specialist Place advised that Officers were following the guidance in Maldon District Council's adopted Vehicle Parking Standards SPD as reflected within the report. It was acknowledged that the majority of public houses were constructed prior to the invention of motor vehicles and therefore the allocation was considered on a case by case basis.

Further clarification was requested from Councillor C Mayes with regards to the specific boundary of the town centre. Officers confirmed that the boundary line sat at the top of Fambridge Road, and that it was clear which buildings were either sited within or outside of the boundary line. It was also recognised that, as the public house was situated within a residential area, patrons would use neighbouring roads for parking.

A brief discussion ensued with Members seeking further information on the carpark at the public house. In response to questions, Officers confirmed that at the site visit, it was noted that spaces were not clearly marked up. The proposed layout was not workable, with the distance between spaces being approximately 4.5meters, contrary to guidance requiring approximately 6meters to allow movement for vehicles. It was also noted that given the floor space of the public house was increasing this would need to be reflected in the amenities provided.



Councillor C Morris proposed that the application be approved contrary to the Officer's recommendation, as the benefits for the community far outweighed the disadvantages. This was duly seconded, and upon a vote being taken the application was approved.

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

Subsequent to the meeting, the Lead Specialist Place advised Members that this report would need to come back to the next meeting of the Committee in order to confirm conditions which had not been discussed as part of the approval.

**6. ADV/MAL/19/00935 - 102B HIGH STREET, MALDON, ESSEX, CM9 5ET**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>ADV/MAL/19/00935</b>  |
| <b>Location</b>                                       | 102B High Street, Maldon   |
| <b>Proposal</b>                                       | Application for advertisement consent for an externally illuminated fascia sign. |
| <b>Applicant</b>                                      | Mr Robert Muca   |
| <b>Agent</b>  | C B S Cumbers  |
| <b>Target Decision Date</b>                           | 14.11.2019   |
| <b>Case Officer</b>                                   | Nicola Ward  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In – Councillor C Mayes  |

Councillor C Morris declared a non-pecuniary interest in this application as he had frequented the establishment.

The Officer presented their report to the Committee, after which Mr Chris Cumbers, the Agent, addressed the Committee.

Councillor C Mayes opened the discussion, querying what specifically was problematic with the signage. In response, the Lead Specialist Place advised that any signage would need to preserve or enhance the character of the conservation area where the shop was located, and that the scale and materials used were not in keeping with the streetscene.

A discussion ensued with Members commenting on the increase in footfall brought to the highstreet, querying the external illumination and numerous glass shop fronts, and referencing the Conservation Officer's comments, which did not object to the signage.

Councillor C Morris proposed that the application be approved contrary to the Officer's recommendation, as the sign was not considered incongruous to the character of the conservation area. This was duly seconded.

The Chairman put Councillor C Morris's proposal to the committee, and upon a vote being taken four Members voted in favour and four Members voted against the proposal. The Chairman, in accordance with Procedure Rule 13 (2), made the casting vote against Councillor C Morris's proposal.

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

1. The style and size of the signage has resulted in a dominant advertisement that is considered to be an incongruous addition that detracts from the site and the wider character and appearance of the Conservation Area. The harm is exacerbated by the choice of materials. Therefore, the proposal does not preserve or enhance the character and appearance of the Conservation Area and is contrary to policies D1, D3 and D6 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

Councillor C Mayes thanked the Officers for their work on the applications brought to this Committee.

## **7. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

## **8. ENFORCEMENT UPDATE**

The Chairman advised the Committee that this report had been requested for Members to note the items listed, and review in three months' time. The Chairman requested that any queries Members had regarding specific items were directed to Officers outside of the meeting.

A short discussion ensued and, in response to questions from Members, Officers provided the following information:

- Complaints relating to trees remain open for a substantial period of time to allow Officers to monitor and assess whether there has been any damage to respective trees;
- At present there are four FTE working within enforcement, two are employed by the Council and two are interim contractors;
- When a new complaint is received the Council has to respond within a reasonable timeframe and also visit the site within a reasonable timeframe. It was noted that collating evidence can take months, and as appeals are considered the least important category it can take upwards of twelve months before a case can be resolved;
- There is not a specific length of time in which cases are required to be closed, however the Council is required to be seen as acting reasonably;
- It was noted that Officers will, when appropriate, forward any concerns on safeguarding to the relevant departments. This is actioned on a case by case basis;
- Maldon District Council does not employ Compliance Officers; therefore the Council is reliant on receipt of complaints for identifying any breaches.

The Chairman recommended that this report be brought back to the Committee in February for an update, and that Members approach Officers directly with questions on individual cases.

**RESOLVED**

- (i) That the content of this report be noted;
- (ii) That Members approach Officers directly with any queries on individual cases;
- (iii) That an update be provided to the February meeting of this Committee.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

M S HEARD  
CHAIRMAN

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
11 DECEMBER 2019**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/19/00730</b>   |
| <b>Location</b>                                       | The Queen Victoria Public House, Spital Road, Maldon  |
| <b>Proposal</b>                                       | Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision.  |
| <b>Applicant</b>                                      | Mr John Hubbard   |
| <b>Agent</b>  | Mr Matthew Chorley - Alderton Associates  |
| <b>Target Decision Date</b>                           | 15.11.2019  |
| <b>Case Officer</b>                                   | Nicola Ward   |
| <b>Parish</b>   | <b>MALDON</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In – Councillor C Mayes.<br>Reason: Public interest, An increase in parking provision, Provision of disabled parking and access through the venue site, Local amenity value |

**1. RECOMMENDATION**


**APPROVE** subject to the conditions (as detailed in Section 5 of this report).

**2. SITE MAP**

Please see overleaf.

# **The Queen Victoria, Spital Road** 19/00730/FUL



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|  | Organisation: | Maldon District Council |
|  | Department:   | Department              |
|  | Comments:     | t                       |
|  | Date:         | 01/11/2019              |
|  | MSA Number:   | 100018588               |
| <a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>   |               |                         |

### **3. SUMMARY**

- 3.1 This planning application was originally heard at the Central Area Planning Committee held on 13 November 2019 (please see **APPENDIX 1** for the original report). The Committee received the report and supplementary report of the Director for Strategy, Performance and Governance and considered the issues raised and the Officer's recommendation that the application should be refused. Whilst the Committee is bound to follow the same planning guidance and legislation that officers must follow, they are not bound to follow officers' recommendations and they can give different weight to different aspects. In this case Members of the committee chose not to support the officer's recommendation and granted planning permission.
- 3.2 However, at the time no conditions were agreed. Before issuing the decision it is appropriate for the Local Planning Authority to undertake due diligence and it is opined by Officers that the granting of planning permission would not be acceptable without the imposition of a number of conditions. Therefore, the application is being presented to the Committee, for a second time, for Members to consider the impositions of conditions as part of the granting of planning permission.

### **4 Other Matters**

- 4.1 Environmental Health has suggested a condition that there shall be no amplified sound used within the premises unless otherwise agreed in writing by the local planning authority. However, the use of the site is already as an unrestricted Public House and therefore, it is considered unreasonable to impose this condition.

### **5 GRANT PLANNING PERMISSION subject to the following conditions:**

#### **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 & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 2003/301, 2003/302, 2003/101, 2003/102, 2003/201 Rev P and A2003/206.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
4. A scheme detailing the onsite parking provision shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall meet the guidance contained within the Vehicle Parking Standards SPD. The spaces shall be laid out and ready for use, prior to the first use of the development hereby approved and shall be retained perpetuity.  
REASON To ensure appropriate car parking is provided in the interest of

Highway safety, in accordance with policy T1 of the approved Local Development Plan

5. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity

REASON To ensure appropriate cycle parking is provided in the interest of Highway safety, in accordance with policy T1 of the approved Local Development Plan.

6. No unbound material shall be used in the surface treatment of the car parking areas.

REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T1 of the approved Local Development Plan.

7. 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 T1 of the approved Local Development Plan.

8. No extraction or ventilation equipment shall be installed or fitted to any part of the building 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.

REASON In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy E7 of the approved Local Development Plan





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

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**to  
CENTRAL AREA PLANNING COMMITTEE  
13 NOVEMBER 2019**

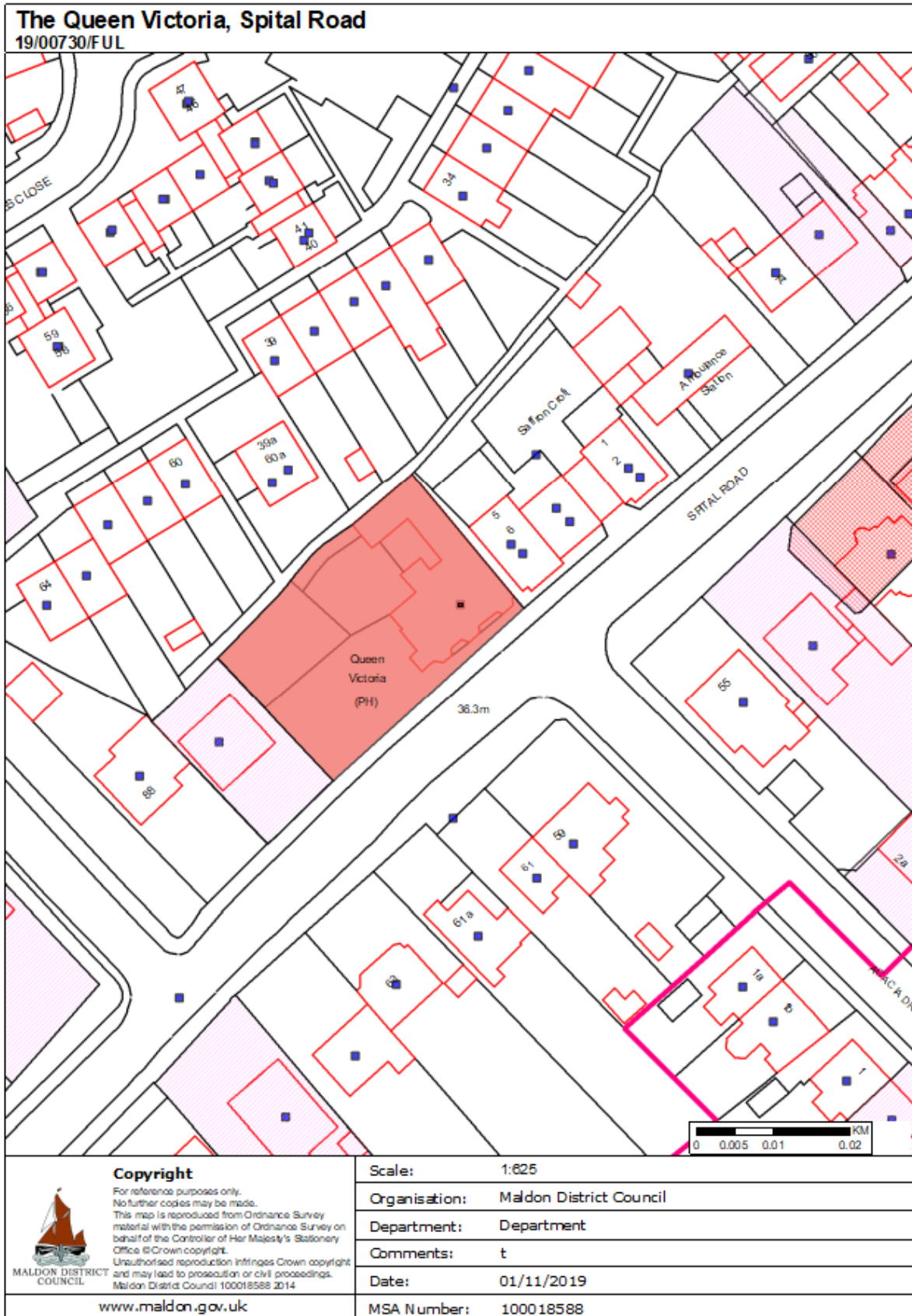
|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/19/00730</b>  |
| <b>Location</b>                                       | The Queen Victoria Public House, Spital Road, Maldon   |
| <b>Proposal</b>                                       | Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision.   |
| <b>Applicant</b>                                      | Mr John Hubbard  |
| <b>Agent</b>  | Mr Matthew Chorley - Alderton Associates   |
| <b>Target Decision Date</b>                           | 15.11.2019   |
| <b>Case Officer</b>                                   | Nicola Ward  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In – Councillor C Mayes Public interest, an increase in parking provision, provision of disabled parking and access through the venue site, and local amenity value. |

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

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

- 3.1.1 Planning permission is sought for a single storey side and rear extension including a glazed lantern over the rear element, a first-floor rear extension and alterations to the front boundary treatments and parking provisions. The single storey rear extension measures 12m in width, 7m in depth with and overall including the lantern of 3.6m. The single storey side extension measures 2.7m in width 18.5m in depth with an overall height of 3.5m. The first-floor element will project 3.1 metres to the rear of the two storey part of the building and will measure 4.3 metres wide. The proposed boundary treatments consist of a 1m high post and rail fence to the front of the site.

#### **3.2 Conclusion**

- 3.2.1 The proposed development provides 10 off-street parking space which is a deficit of 20 off-street parking space required by the Council's adopted Vehicle Parking Standards SPD. This deficit is considered to result in an excessive and inconsiderate level of on street parking to the detriment of highway safety and free flow of traffic. The proposal is therefore, considered to conflict with policies D1 and T2 of the adopted Maldon District Local Plan, The Council's adopted Vehicle Parking Standards SPD and the stipulations of 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 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- E3 Community Services and Facilities
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS****5.1 Principle of Development**

- 5.1.1 The principle of extending and altering a building in relation to an existing lawful use of a site is considered acceptable and in accordance with policies S1 and D1 of the Maldon District Local Development Plan (LDP).
- 5.1.2 A public house would also be considered a community facility. Policy E3 of the Maldon District LDP aims to retain and enhance the provision of community services and facilities. This policy also states that ‘development proposals and other measures which help to improve the provision of, and accessibility to, community services and facilities in a local area will be encouraged, including the modernisation and expansion of existing services. Therefore, the principle of altering the existing building is also considered to be in accordance with policy E3 of the Maldon District 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 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 including, in terms of:-

1. Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  2. Height, size, scale, form, massing and proportion;
  3. Landscape setting, townscape setting and skylines;
  4. Layout, orientation, and density.
- 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 single storey extension would be located to the south west and north west of the existing building on the site and will provide an indoor dining area. The proposal will include a small first floor element, extending the size of the kitchen within the first floor flat.
- 5.2.6 The proposed extension would project 3 metres from the side elevation of the existing building and would project 18.6 metres in total, down the side and to the rear, built level with the existing furthest rear elevation. It will incorporate the existing store rooms which are attached to the building to the rear and will act as an infill to the rear section of the building. It will include a glazed lantern roof. The first-floor element will project 3.1 metres to the rear of the two storey part of the building and will measure 4.3 metres wide, providing a larger kitchen within the first floor flat.
- 5.2.7 Due to the open nature of the side of the plot, where the car park is located, the side and rear of the extension would be visible from views along Spital Road. However, the majority of the proposed extensions are to be single storey with an overall height of 3.6m, would be set back from the principal elevation of the building, and, therefore, the proposed single storey extensions are not be considered to dominate the host building as they are considered to be a subservient additions, which are in proportion to the building on the site.
- 5.2.8 The first-floor element is not considered to be a large addition in relation to the host building. Due to its location to the rear, it will be visible from the side of the building and from within the site itself; however, it will not have a significant impact on the visual amenity of the wider streetscene.
- 5.2.9 The proposed boundary treatments consist of a post and rail fence to the front of the site, adjacent to the road, separating the site from the footpath boundary. In terms of design, this boundary treatment would be approximately 1m in height and is not considered to be of a significant height and is open in nature and therefore this part of the proposal to have a detrimental impact on the visual amenity of the site or surrounding area.
- 5.2.10 The proposed extensions and alterations to the boundaries are not considered to be unduly prominent features within the streetscene. The materials proposed are to match that of the existing building and therefore, the proposed development is not considered to result in a detrimental impact on the host building or the character and appearance of the local area therefore the proposed development is in accordance with policies 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). Furthermore, policy D2 Of the LDP aims to minimising all forms of possible environmental impacts including noise and light. Ensuring a ‘balance’ between the incorporation of sustainability measures and the impacts of such measures on the deliverability and viability of new development projects. This echo’s the guidance contained within the NPPF.
- 5.3.2 There are residential dwellings surrounding the site, with flats located close to the north west, south west and north east of the building on the site. The proposed development includes provisions for a first-floor extension to the rear of the premises to enlarge the existing kitchen area that serves the private quarters. There are no windows proposed within east elevation of the first-floor element and would be sited 6.5m from the neighbouring residential flats located to the north east of the application site. Whilst it is noted that one window is proposed within the south west elevation this would be sited approximately 25m from the neighbouring boundary of 86 Spital Road. Therefore, it is considered that due to the distance the proposed first floor extension would not result in an adverse effect on the neighbouring occupiers by way of overlook, loss of light or overbearing.
- 5.3.3 The proposed single storey side and rear extensions would have an overall height of 36.m, including the proposed glazed roof lantern within the rear element. No windows are proposed within the east elevation and bi-fold doors are proposed within the west elevation that affronts the parking area of the application site. As a result of the size, height and position of the single storey extensions proposed, it is not considered that the single storey element will result in an unacceptable impact upon the residential amenity of neighbouring occupiers in terms of loss of light, privacy or outlook.
- 5.3.4 The proposal will increase the amount of seating within the extension to the rear. It is noted that there is an existing outdoor seating area to the west of the building on the site.
- 5.3.5 The Council’s Environmental Health team have been consulted and have raised concerns over the additional rear dining area with a fully opening patio door, in regards to increased noise levels impacting on the neighbours to the rear stating the following:

*‘This Service was consulted at pre-application stage and for completeness I copy the response below: ‘This Service has reservations with regard to this application. The large extension to the rear as a dining area with a fully opening patio door raises the potential for noise disturbance to the noise sensitive dwellings to the rear of the site. Any application should be accompanied by a noise impact assessment. Detail should be provided of any external plant or machinery required by the development and this should be considered in the noise impact assessment.’*

*The applicant has not submitted a noise impact assessment, should you be minded to grant planning permission It is recommended that the following conditions and informatives are applied.*

**CONDITIONS**

- 1 *No extraction or ventilation equipment shall be installed or fitted to any part of the building 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.*

*Reason: In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy E7 of the adopted Maldon District Replacement Local Plan.*

- 2 *There shall be no amplified sound used within the premises unless otherwise agreed in writing by the local planning authority.'*

- 5.3.6 Whilst a noise impact assessment, including details of any external plant or machinery has not been submitted as part of the submission, it is considered that subject to the relevant conditions being imposed the development would not result in an adverse effect on the amenity of the neighbouring occupiers by way of noise. This is because the site is already in use and it is not considered unlikely that any harm could be mitigated through a reasonable approach.

#### **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 adopted Vehicle Parking Standards require a parking bay to measure 2.9 metres wide and 5.5 metres deep. The plans appear to show the parking spaces measuring 2.4 metres wide and 4.8 metres deep and therefore these parking spaces do not meet the required standards. Furthermore, some concern is raised in relation to the space available between the two lines of parking spaces.

- 5.4.4 The flat at first floor level has two bedrooms and should therefore, be served by 2 parking spaces. The use of the site as a public house requires the site to have 1 parking space per 5 square metres of useable public space.
- 5.4.5 Due to the area of the existing pub (80sqm), the parking standards require there should currently be 16 parking spaces for the pub, resulting in 18 spaces in total including the flat. Due to the total area of the pub inclusive of the proposed extension (140sqm), the parking standards would require 28 spaces for the pub, therefore requiring 30 spaces in total including the flat.
- 5.4.6 The submitted plans show 10 parking spaces proposed at the site, including the provision for one disable space and an area located for cycle shelter with can accommodate up to 8 bicycles. However, as discussed above some concern is raised to the quality of this offer.
- 5.4.7 When there would be a shortfall of parking at the site, when assessed against the standards, the parking standards state that the standards may be relaxed where other material considerations are taken into account such as the availability of alternative parking facilities, other viable modes of transport and design issues including the physical constraints of the site. The site is located on the edge of the town centre in close proximity to residential street. Whilst it is noted that the town centre is serviced by a number of car parks these are around a 10 minute walk away and there is a fee to use them even at evenings. The surrounding streets are unrestricted and much closer vicinity. It therefore considered that these streets would be used as a first choice for parking of cars by patrons of the public house due to convenience, distance and cost. The additional car parking on the street is likely to result in a detrimental impact on highways safety and the free flow of traffic.
- 5.4.8 As highlighted above, the LDP and the NPPF recognise the detrimental impacts caused by unacceptable noise and aim to ensure that new development does not have a detrimental impact on the merits of surrounding residents. As discussed above taking into account the town centre location it is considered that the development would create a significant increase in noise, disturbance or general activities at the application site. However, this does not take into account any impact caused by the shortfall in car parking and the resultant increase in off-site car parking in the surrounding roads; many of which are residential in nature. The sound generated from people talking, car doors opening and closing, and vehicular movements can generally be absorbed when ambient noise levels are high. However, they can be very apparent in quieter areas and during quieter periods such as evenings and weekends. It is considered that substandard shortfall in on-site parking is likely to cause a detrimental impact upon the amenity of the surrounding residents through noise and disturbance by customers leaving the premises.
- 5.4.9 It is considered that the deficient of 20 off-street parking spaces would result an unacceptable level of reduced off-street parking to the detriment of highway safety and free flow of traffic. The proposal is therefore, considered to conflict with policies T2 and D1 of the LDP and the guidance contained within the Councils adopted SDP. Furthermore, the nature of the use and increase in off site parking in residential areas is to have a detrimental impact on the amenity of adjoining residents.



**6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/90/00647** - Boiler house with brick flue and new window at first floor level to side elevation – Approved
- **FUL/MAL/94/00076** - Extensions and alterations – Approved

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED****7.1 Representations received from Parish / Town Councils**

| <b>Name of Parish / Town Council</b> | <b>Comment</b>      | <b>Officer Response</b> |
|--------------------------------------|---------------------|-------------------------|
| Maldon Town Council                  | Recommends approval | Noted                   |

**7.2 Statutory Consultees and Other Organisations**

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                      | <b>Officer Response</b>                               |
|---|-------------------------------------|---|
| County Highways   | No Objection subject to conditions. | Noted and discussed within section 5.4 of the report. |

**7.3 Internal Consultees**

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>                             |
|-----------------------------------|---|---|
| Environmental Health              | No Objection subject to conditions mitigating any detrimental impact on the neighbouring properties | Noted and discussed with section 5.3 of the report. |

**7.4 Representations received from Interested Parties**

- 7.4.1 **14** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

| <b>Supporting Comment</b>   | <b>Officer Response</b>   |
|---|---|
| 1. Parking sufficient given the distance to the High Street;<br>2. The Council should discourage car use and persuade people to use public transport, cycle or walk;<br>3. Provisions have been made for cycle stores which encourages more people to cycle;<br>4. Do not understand why 30 more spaces are required; | 1-11 – Comments relating the parking provisions have been noted and are discussed with section 5.4 of the report;<br>12 – 17 – Noted. |

| Supporting Comment  | Officer Response |
|---|------------------|
| 5. Bus stops are close to the application site;<br>6. White Horse car park is within easy reach;<br>7. Most customers are within walking distance;<br>8. People who drive to the public house car share;<br>9. Good taxi services are available;<br>10. Other public Houses area the Town Centre do not have offer parking facilities;<br>11. Rose and Crown was allowed to double in size however, no parking provisions were required;<br>12. The Queen Victoria is at the heart of the community;<br>13. Provides employment for local people;<br>14. Landlord runs as efficient well-run public house;<br>15. Convenient local public house for a considerable number of residents;<br>16. Closest public house to western segment of the new housing development at Limebrook Way;<br>17. The development is vital for the public house. |                  |

## 8. **REASONS FOR REFUSAL**

### **Reason for Refusal:**

- 1 The proposed development will result in an unacceptable level and quality of on-site car parking provision, this will result in on-street car parking to the detriment of pedestrian and highway safety and the free flow of traffic. Furthermore, customers leaving the site at unsociable hours will result in an increase in noise and disturbance to the occupiers of the surrounding residential properties therefore, contrary to adopted Maldon District Local Plan policies T2, D1 and D2 and the guidance contained within the Council's adopted Vehicle Parking Standards SPD and the NPPF.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**CENTRAL AREA PLANNING COMMITTEE  
11 DECEMBER 2019**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>OUT/MAL/19/00978</b>   |
| <b>Location</b>                                       | Land North Of<br>White House<br>Wycke Hill<br>Maldon  |
| <b>Proposal</b>                                       | Outline planning application for the subdivision of the existing residential garden, and the erection of a detached one storey two bedroom dwelling, with all matters reserved for subsequent approval. |
| <b>Applicant</b>                                      | Mr Ward   |
| <b>Agent</b>  | Ms Codey - Herts Planning Ltd   |
| <b>Target Decision Date</b>                           | 05.12.2019  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | <b>MALDON WEST</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in – Councillor Mayes due to density of outline planning; infill planning; location onto busy main road; safety; Policies: D1 (3.2) H4 (5.3)  |

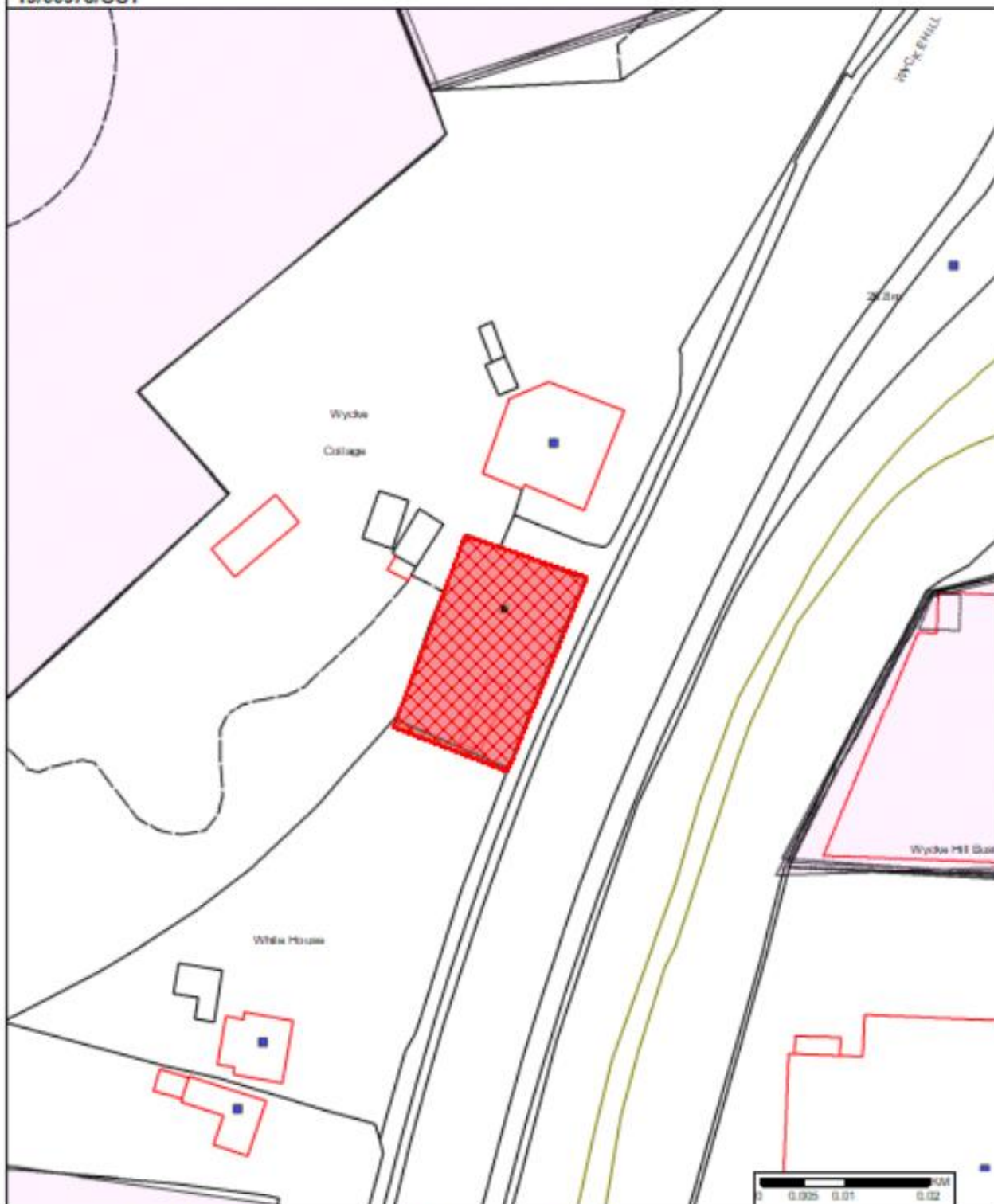
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Land North of White House, Wycke Hill, Maldon**  
19/00978/OUT



|   |               |                         |
|---|---------------|-------------------------|
|  <p><b>Copyright</b><br/>For reference purposes only.<br/>No further copies may be made.<br/>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright.<br/>Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2014</p> | Scale:        | 1:625                   |
|   | Organisation: | Maldon District Council |
|   | Department:   | Department              |
|   | Comments:     | Central Area Committee  |
|   | Date:         | 15/11/2019              |
|   | 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 outside the defined settlement boundary of Maldon, is located on the western side of the A414 known as Wycke Hill and adjoins open, rural land to the west of the town. The site extends to around 400sq.m. and currently forms part of the garden associated with White House, located to the south of the application site. There is a neighbouring residential property immediately to the north and west (Wycke Cottage).
- 3.1.2 There are trees subject to a Tree Preservation Order (TPO 11/80) adjacent to the northern and western boundaries of the application site. The site is currently well screened from view from its surroundings as a result of a combination of fencing and vegetation along its external boundaries to the north, east and west. The site currently accommodates a caravan, but which did not appear to be occupied at the time of the Officer's site visit.
- 3.1.3 Outline planning permission is sought for the subdivision of the existing residential garden, and the erection of a detached one storey two bedroom dwelling, with all matters (means of access, layout, landscaping, appearance and scale) reserved for subsequent approval.
- 3.1.4 The application is accompanied by an indicative layout which includes a dwelling in the north-western corner of the site with a detached garage roughly centrally located within the site and a possible entrance from Wycke Hill in the north-eastern corner. Acoustic fencing is indicated along the whole of the site's eastern boundary with Wycke Hill, except for the possible vehicle access. A second acoustic fence is shown also running north-south between the detached garage and the site's southern boundary. An 'amenities area' is located in the south-western corner of the site bounded by the dwelling (north boundary) and the detached garage and section of acoustic fence (eastern boundary). A driveway is shown along the whole of the eastern boundary of the site. None of the existing trees or other vegetation are shown on the indicative layout submitted. An indicative floor plan for the dwelling has also been submitted indicating a building measuring a maximum of 8.5m x 10m. No elevations have been provided.
- 3.1.5 The application is accompanied by a Noise Assessment (February 2019) and Arboricultural Impact Assessment (July 2018).
- 3.1.6 The Arboricultural Impact Assessment concludes that a house could be built without causing harm to adjacent retained trees, especially the veteran oak tree T8, provided that raised piled foundations are used, hard surfaces are of no-dig construction within the RPA, there are tree protection measures implemented during construction and all tree work is carried out to British Standard 3998:2010 (BS 3998:2010) Tree Work - Recommendations.
- 3.1.7 A Supporting Statement has also been submitted in which reference is made to a Design and Access Statement dated May 2009 which has not been submitted. The Supporting Statement, with reference to the previously refused scheme (OUT/MAL/18/00853), states that the proposal is now for a single storey two-

bedroom dwelling in a suggested revised location within the plot further away from the protected Oak tree. Reference is also made to the relocation of the possible access to a position adjacent to the northern boundary adjacent to an existing access to a neighbouring property (Wycke Cottage) to reduce the visual impact. The applicant's agent considers that a single, rather than two storey dwelling would address both of the previous reasons for refusal (OUT/MAL/18/00583) partly as all habitable rooms can be positioned away from the main road. Reference is also made to the proposed South Maldon Relief Road (part of undetermined application reference OUT/MAL/15/01327) which would result in the downgrading of the existing A414 and Wycke Hill which will address existing difficulties for pedestrians and cyclists crossing these roads. The agent's view is that the proposal is 'infill' development (Policy H4) and that the 'verdant' character of the site could be retained.

### **3.2 Conclusion**

- 3.2.1 The proposed development would not accord with the Council's spatial strategy, would harm the character and appearance of the area and not provide an adequate quality of life for the occupiers of the proposed dwelling. However, it is anticipated that the site could accommodate a two-bedroomed, single-storey dwelling without causing material harm to the occupiers of neighbouring residents and would not give rise to adverse issues with respect to highway safety, access or parking. A financial contribution towards RAMS would be required to mitigate the impact of the development on the European nature conservation sites.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 11 Presumption in favour of sustainable development
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 80-82 Building a strong, competitive economy
- 124-132 Achieving well designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area (including preserved trees), any impact on the occupiers of neighbouring residential properties, highway safety/parking and nature conservation.

#### **5.2 Principle of Development**

5.2.1 The application site is located outside the defined development boundary of Maldon and within the countryside. Policy S8 states that, outside the defined development boundaries and other defined areas, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for development within a list set out in the Policy, but which does not include new, residential properties.

5.2.2 The NPPF is also clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three key dimensions that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental roles. This requirement is carried through to local policies via policy S1 of the approved Local Development Plan (LDP) which emphasises the need for sustainable development. The NPPF (paragraph 70) which states that 'Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

5.2.3 Whilst it has been suggested previously that the existing caravan on site has a lawful use as a dwelling-house, there has been no planning permission or certificate of lawfulness previously granted for the change of use of this land to a separate residential unit and insufficient evidence has been provided to support this claim. The current application has been assessed on the basis that a new residential unit is proposed. When determining the previous appeal (reference OUT/MAL/18/00853), the Inspector took the same approach.

5.2.4 The Council can demonstrate a 5-year supply of deliverable land for housing. In addition, the Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three-bedroom plus units. It is considered the proposal for a two-bedroom dwelling, would contribute positively to the identified housing need and be

responsive to local circumstances which does weigh in favour of the proposal. However, the weight which can be afforded is very limited as only a single dwelling is proposed.

5.2.5 The economic and social benefits of the provision of an additional residential property would weigh in favour of the proposal but the benefit would be insignificant as only a single dwelling is proposed.

5.2.6 Policy H4 does allow for infill development, provided that:-

- There is a significant under-use of land and development would make more effective use of it;
- There would be no unacceptable material impact upon the living conditions and amenity of nearby properties
- There will be no unacceptable loss of land which is of local social, economic, historic or environmental significance
- The proposal will not involve the loss of any important landscape, heritage features or ecology interests

5.2.7 Whilst the proposal would not be contrary to these requirements (see below), this does not override the proposal's conflict with the Council's spatial strategy and the proposal conflicts with other parts of Policy H4 in relation to density (see below).

5.2.8 In terms of accessibility, given the location of the site, the occupiers of the site would have access to services and facilities without the need to rely on private vehicles. Therefore, despite the location of the site beyond the settlement boundary for Maldon, it is considered that the site is not in an isolated location and that issues relating to accessibility do not weigh against the proposal 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 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.
- 5.3.4 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.3.5 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.
- 5.3.6 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.3.7 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.8 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.
- 5.3.9 The application site is within a loose-knit group of four existing residential properties which are dominated by mature vegetation and are rural in character. The existing caravan is not visible from beyond the site's boundaries. The opposite side of Wycke Hill, whilst within the settlement boundary for Maldon, is also dominated by vegetation within the vicinity of the application site. The application site itself is in a prominent location and, due to its verdant appearance, makes a positive contribution to the rural character and appearance of this part of Wycke Hill. Based on the Arboricultural Impact Assessment submitted, the existing visually important trees, including the preserved oak tree, could be retained and a house built without causing harm to the adjacent retained trees. The Tree Consultant has not commented on the

current application but, in response to the previous application for a very similar proposal, raised no objection to removal of leylandii, advised that further information was required regarding the impact of the development on the trees to be retained and recommended that details of the relevant protection measures to address this, if feasible, would be required. If outline planning permission were to be granted, a condition requiring that an Arboricultural Impact Assessment is submitted with the application for approval of reserved matters, could be imposed. However, given the size of the plot and the location of trees and vegetation around its periphery, it is considered highly likely that future occupants would choose to lop, top or fell trees to allow more light into the site and to ensure that rooms within the dwelling and/or the external amenity space are not overly shaded which would have an adverse impact on the rural character of the site and the surrounding area.

- 5.3.10 It is considered that the development of the site even for a single storey residential property would erode the positive contribution the site makes through the introduction of a dwellinghouse on the plot of significantly less depth than its neighbours. The associated vehicular access and associated visibility splays along with the inevitable hard surfacing, means of enclosure (the acoustic fencing in particular) and domestic paraphernalia would add to this harm. It is considered that the proposal would consolidate the existing development along the western side of Wycke Hill in the vicinity of the site and erode the verdant character of this part of Wycke Hill to the detriment of the character and appearance of the area. It is recommended below that planning permission is refused for this reason. This recommendation is in-line with the conclusions reached in the appeal decision relating to the previous proposal for the site (reference OUT/MAL/18/00853): *‘The appellant asserts that trees within the site, with the exception of those that are identified as unsuitable for retention, would be retained. However, it would be necessary to remove vegetation to facilitate access into the site. Furthermore, given the size of the plot and the location of trees and vegetation around its periphery, I consider it highly likely that future occupants would choose to lop, top or fell trees to allow more light into the site and to ensure that rooms within the dwelling are not heavily shaded. This would erode the verdant character of this part of Wycke Hill, which would harm the character and appearance of the area.*

*The appeal scheme is in outline and therefore the precise location of the dwelling within the site, its design and scale would therefore be subject to change. The appellant states that a condition restricting the size of the dwelling to a bungalow would be acceptable. Although it would be possible to limit the height of the building, the removal of vegetation would still be required to provide access which would diminish the verdant character of this part of Wycke Hill’.*

## **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 Maldon District Design Guide (2017).
- 5.4.2 As a result of the size and position of the application site, and the separation distances with the neighbouring dwellinghouses, it is considered that a single storey, two bedroom dwelling could be constructed within the site without causing material harm

to the occupiers of either of the existing, neighbouring dwellings by reason of privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

## **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 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.
- 5.5.2 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 encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 Whilst means of access to the site is a reserved matter, it is suggested as part of the application that a vehicular access could be created onto the site directly from the A414 between the existing access to White House and the neighbouring Wycke Cottage.
- 5.5.4 No response has been received from the Highways Officer to the current application but no objections were raised to a very similar proposal, the subject of previous application reference OUT/MAL/18/00853. There would be sufficient space within the site to provide at least two off-street parking spaces which would comply with the adopted parking standards.
- 5.5.5 Based on the above, and as means of access to the site is a reserved matter, it is considered that a refusal of planning permission based on access, parking or highway safety, could not be justified.

## **5.6 Quality of Life for the Occupiers of the Proposed Dwelling**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwelling house, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 As a result of the size of the application site, it is considered that a two-bedroom dwelling could be constructed within the site with sufficient private amenity space to meet the minimum size of 50m<sup>2</sup> recommended in the MDDG.(
- 5.6.3 One of the criteria of Policy D2 is that all forms of possible pollution are minimised and that any detrimental impacts and potential risks to the human and natural environment are adequately addressed by appropriate avoidance, alleviation and mitigation measures. The NPPF (paragraph 127) requires that developments need to 'create places that are safe, inclusive and accessible and which promote health and

well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

- 5.6.4 The Noise Assessment submitted relates to the indicative layout which was considered as part of the previous appeal (reference OUT/MAL/18/00853 and so pre-dates the indicative block plan submitted with the current application. Therefore, the conclusions of the Assessment cannot be relied upon. The Assessment concluded that indoor ambient noise levels would be at an acceptable level with habitable rooms in the western half of the dwelling, a 2m high timber fence along the entire boundary of the site and with in-wall ventilators or mechanical whole house ventilation, standard double glazing at the rear of the property and enhanced double glazing to the north and south sides. With respect to outdoor amenity space, noise levels were predicted to exceed 55dB(A) (the recommended upper limit) but it was suggested that this could be reviewed by an acoustic consultant prior to the final design approval if a garage was used to screen the amenity space.

- 5.6.5 In dismissing the previous appeal for a very similar proposal (reference OUT/MAL/18/00853) which was accompanied by the same Noise Assessment, the Inspector concluded that:

*‘Whilst it may be possible to design the dwelling with glazing and in wall ventilators or whole house mechanical ventilation, future occupants of the proposed dwelling may still choose to open windows, irrespective of the efficiency of the ventilation system, particularly during the summer months. This would significantly reduce the effectiveness of the mitigation proposed and, could result in sleep disturbance for future occupiers.*

*I have considered whether it would be reasonable to secure mitigation through condition, including that all windows to the property should be non-opening. However, I do not consider that this would be reasonable, particularly given the likely need to ensure means of escape. Indeed, the noise assessment advises that ‘all windows at the development should remain openable for rapid ventilation or to avoid over-heating’ ....*

*Paragraph 180 of the National Planning Policy Framework (the ‘Framework’) (2019) seeks to ensure that decisions avoid noise giving rise to significant adverse impacts on health and the quality of life. I am not persuaded that the mitigation proposed by the appellant would secure compliance with the British Standard and World health Organisation (WHO) Guidelines. Moreover, noise levels in the outdoor amenity space would be excessive. It is therefore likely that there would be significant adverse impacts on health and quality of life for future occupants of the proposed dwelling.’*

- 5.6.6 A detached garage and acoustic fencing has been included within the indicative block plan submitted as part of the current application, but this has not been reviewed by an acoustic consultant as the Noise Assessment recommends. Therefore, it is not known what the noise levels within the amenity space proposed would be.

- 5.6.7 Maldon Town Council also refer to noise from the fire station on the eastern side of Wycke Hill which would be in addition to the general noise from traffic using Wycke Hill.
- 5.6.8 Reference is made in the supporting information submitted that the A414 and Wycke Hill would be downgraded once the planned Maldon Relief Road is constructed. However, at this time, there is no planning permission for the Relief Road and there is no certainty regarding when the Relief Road would be in place or the resulting reduction in noise levels within the application site, if any. Therefore, the proposal needs to be assessed in relation to the existing level of use of Wycke Hill.
- 5.6.9 The current application is accompanied by an indicative floor plan for the bungalow proposed which indicates that the front section of the dwelling would contain only non-habitable rooms (pantry/utility room, toilet and entrance hall). However, this potential internal layout and the effect of the acoustic fencing has not been assessed by an acoustic consultant and so it is not known what the noise levels within the habitable rooms shown would be. Furthermore, the issue of the occupiers wishing to open windows, identified by the Inspector, referred to above, remains. Also, the suggested position of the dwelling within the site appears to locate the western elevation of the dwelling abutting the western boundary of the site which would not provide an acceptable outlook from the two bedrooms proposed.
- 5.6.10 The Environmental Health Officer has advised that, based on the information submitted with the current application, a refusal of planning permission on the grounds of noise impact is justified. Based on this and the appeal Inspector's conclusions quoted above, it is considered that the currently proposed scheme would not provide satisfactory living conditions for future occupants of the dwelling with respect to traffic noise from Wycke Hill, contrary to Policies D1 and D2 of the Maldon District Approved Local Development Plan.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the

conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.7.5 The site is near to the Blackwater Estuary to the east and the associated nationally and internationally designated sites for nature conservation.
- 5.7.6 Natural England has advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.7 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.
- 5.7.8 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), Houses in Multiply Occupation (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.
- 5.7.9 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 has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.10 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 does 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 and has currently been set at £122.30 per dwelling.

- 5.7.11 To accord with Natural England's requirements, a Essex Coast RAMS 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

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 have a likely significant effect on the sensitive interest features of the European designated sites due to the location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is considered that mitigation, in the form of a financial contribution of £122.30, is necessary, in this case.

- 5.7.12 Taking into account the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location, without mitigation, would be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.
- 5.7.13 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. It is recommended below that planning permission is refused for this reason. It was considered that this requirement did not apply at the time the previous application was determined but now the Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and, being an emerging Council document, is a material consideration when determining planning applications for new residential dwellings.

**6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/18/00583** - Outline planning application for the subdivision of the existing residential garden and the erection of a detached two storey three bedroom dwelling, with all matters reserved for subsequent approval – Appeal dismissed 23 July 2019

In dismissing the appeal, the Inspector concluded that the appeal scheme would not have provided satisfactory living conditions for future occupants with respect to noise from Wycke Hill and as the scheme would have diminished the verdant character of the area which, given its prominent location, would harm the character and appearance of the area. An indicative block plan was submitted as part of this previous application and it was suggested that vehicular access to the site directly from the A414 would be created in the south-eastern corner of the site along with a parking and turning area with the two storey dwelling positioned within the southern half of the site.

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

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>   | <b>Officer Response</b>                         |
|--------------------------------------|--|---|
| Maldon Town Council                  | Recommends refusal – outside development boundary, too far from centre of town, too close to busy A414, Wycke Hill and fire station, contrary to Policies D1 and D2 of LDP | Noted – refer to sections 5.2 and 5.6 of report |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b> | <b>Officer Response</b>        |
|---|----------------|--------------------------------|
| Highways Officer  | No response    | Refer to section 5.5 of report |

### **7.3 Internal Consultees**

| <b>Name of Internal Consultee</b> | <b>Comment</b>      | <b>Officer Response</b>        |
|-----------------------------------|---------------------|--------------------------------|
| Environmental Health Officer      | Recommends refusal. | Refer to section 5.6 of report |
| Tree Consultant                   | No response         | Refer to section 5.3 of report |

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

7.4.1 No letters of representation were received.



**8. PROPOSED REASONS FOR REFUSAL,**

- 1 The application site is located outside the defined development boundaries of Maldon and within the countryside. The proposal would be contrary to the Council's spatial strategy of focusing new development within settlement boundaries. The proposed development would diminish the verdant character of the area which, given the site's prominent location, would harm the character and appearance of the area, contrary to the NPPF, NPPG and Maldon District Approved Local Development Plan Policies D1, H4, S1 and S8, and Maldon District Design Guide (2017).
- 2 The occupiers of the proposed residential dwelling would be subjected to undue noise disturbance from the adjacent highway and, therefore, the living conditions for future occupants of the dwelling proposed would not be acceptable. The proposal is therefore contrary to the National Planning Policy Framework which seeks to ensure a high standard of amenity for existing and future users of places, NPPG, Policies D1 and D2 of the approved Local Development Plan and the Maldon District Design Guide (2017).
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
11 DECEMBER 2019**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/19/01055 AND LBC/19/01056</b>  |
| <b>Location</b>                                       | Beeleigh Abbey Abbey Turning, Maldon  |
| <b>Proposal</b>                                       | Erection of proposed one and two-storey outbuilding to provide a private library and kitchenette, with single storey link. Repairs and minor remodelling of an existing timber-framed range. Associated drainage connections and hard and soft landscaping.                     |
| <b>Applicant</b>                                      | Mr & Mrs Foyle  |
| <b>Agent</b>  | Mr Jonathon Green – Laurie Wood Associates  |
| <b>Target Decision Date</b>                           | 16.12.2019  |
| <b>Case Officer</b>                                   | Louise Staplehurst  |
| <b>Parish</b>   | <b>MALDON NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor Mayes<br>Reason: <ul style="list-style-type: none"><li>- Policies D1, S5, S3, D3, D4, N2 .</li><li>- The size of the building and its facilities seem excessive and inappropriate for the location and importance of the heritage asset.</li></ul> |

**1. RECOMMENDATION**

**FUL/MAL/19/01055:**

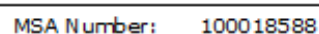
**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**LBC/MAL/19/01056:**

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

**2. SITE MAP**

Please see overleaf.



### **3. SUMMARY**

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

- 3.1.1 The application site is located on the eastern side of Abbey Turning, within the parish boundary and Conservation Area of Maldon. The site is Listed as a Historic Park and Garden and the host dwelling, Beeleigh Abbey, a Grade 1 Listed Building, is located within the grounds. There is also a range of outbuildings, which are Grade II Listed, on the eastern side of the dwelling.
- 3.1.2 Planning permission is sought for the construction of an outbuilding, connected to the existing range of barns, to be used as a library with an associated utility room, study, toilet and two kitchens. A Design and Access Statement has been submitted with the application setting out the proposed use of the building. Its main use would be as a library to house the applicant's collection of 13,000 books, which are currently stored elsewhere. Artefacts and pictures will also be on display in the proposed building. It is stated that the existing library within the Abbey is not suitable for the storage of modern books due to the existing presence of an antiquarian collection. The study, small kitchen and toilet will be for private in relation to the library. The larger kitchen will be used by the gardening staff employed at the site and also the people who volunteer on open days.
- 3.1.3 The proposed building will measure 10.3 metres wide in total and 17.7 metres deep in total. The two-storey element will have an eaves height of 5 metres, with a lower ridge height of 7.2 metres and a higher ridge height of 8.3 metres. The single-storey element will measure 2.9 metres high to the eaves and 4.3 metres high overall. The link to the barn range will measure 1.7 metres wide on the southern elevation, 2.4 metres wide on the northern elevation, 3.6 metres deep overall, with an eaves height of 2.3 metres and a ridge height of 2.9 metres.
- 3.1.4 In terms of materials, the walls will be finished in black timber weatherboarding with a brick plinth, red plain clay tiles for the roof, double glazed dark grey composite windows, composite doors with a dark grey and black boarded exterior finish. The existing fence panels will be replaced with a vertical boarded timber fence. There will be a brick wall and flat roof enclosing the generator which is located in between the proposed building and the existing barn range. The proposal also includes various boundary treatments and hard and soft landscaping, including a patio to the north of the building, a replacement wall or fence to the north of the proposed patio area.
- 3.1.5 As part of the works, part of the existing barn range will be repaired. The existing roof structure and timber framed west wall of the range would be repaired. The open nature of the pantile roof and lack of an underlay has resulted in the existing timber rotting. Existing pantiles would be removed, affected timbers replaced and a new breathable underlay installed before re-installing the pantiles. Cracked cement fillets to the abutment of the range roof with the north wall of the barn would be replaced with suitable flashings.

#### **3.2 Conclusion**

- 3.2.1 Overall, it is considered that the proposal would be in keeping with the character and appearance of the site and the surrounding area, referencing the style and design of

the existing outbuildings. The proposal would result in some minor loss of historic fabric in relation to the timber framed structure and horse trough located within the existing barn range, however this would be outweighed by the benefits of the repair works to the existing barn range. In addition, the minor level of harm could be mitigated through a condition requiring details of the method and degree of alterations to be submitted to the Council for approval. Furthermore, the application has been supported by the Council's Conservation Officer, Essex County Council's Historic Environment Officer and Historic England and therefore the proposal is considered to preserve the overall historic significance of the site and the Abbey. The proposal is not considered to have a harmful impact on the amenity of neighbouring occupiers, parking provision, amenity space or the trees within the site. The proposal is therefore considered to be in accordance with policies D1, D3 and H4 of the Local Development Plan (LDP) 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 2019 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
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

5.1.1 As the proposal relates to the erection of a building in relation to an existing dwelling, it is considered that there is no fundamental objection to the proposal as the erection of buildings in association with residential accommodation can be supported as the proposal would be in line with policies S1, H4 and D1 of the LDP, subject to the following detailed considerations.

5.1.2 The proposed building will include the provision of a library, two kitchens, a study and a toilet. Whilst the building would be large in size and would have facilities that would normally be found in a dwelling, it is considered that it would be used ancillary to the Beeleigh Abbey site as a whole due to its main use as a library in relation to the dwelling and the use of the larger kitchen by volunteers and gardening staff. Therefore, it is considered that it could be conditioned so that the building is only used in relation to the site and not as separate residential accommodation.

### **5.2 Design and Impact on the Character of the Area and the Listed Building**

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

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;
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
  - 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundary, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development is for proposals that are in compliance with policies within the LDP and other local planning guidance.
  - 5.2.6 In accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the Conservation Areas and the features of special architectural or historic interest appearance within them. The Council is required to grant permission that is considered to be of good quality design and that will preserve or enhance the character and appearance of the Conservation Area. Furthermore, in accordance with section 66(1) of this Act, 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. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
  - 5.2.7 In addition, policy D3 is also applicable as the application site is within the Maldon Conservation Area and 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.
  - 5.2.8 The site is located in a relatively remote and rural location, with few neighbouring sites. The site is set back from Abbey Turning and shielded from prominent views by many large trees.
  - 5.2.9 The proposed two storey library building will extend to the north west of the existing outbuildings, which are located on the north western site of the Abbey itself. The new building would be connected and accessed via a single storey glazed link to the existing outbuildings.
  - 5.2.10 The outbuilding would measure 17.7 metres in length and 10.3 metres wide. The highest ridgeline would measure 8.3 metres high with a lower section to the west and a single storey roof to the north west corner. The design of the building is in keeping with the style and design of the existing outbuildings, including the cross hipped roof design and the pitch of the roof slope. The overall design would follow the cues of the existing outbuildings and therefore would be considered in keeping with the style, design and character of the site and the existing barn range. Furthermore, the proposed materials appear to be in keeping with the materials used in the existing



outbuildings on the site. However, a condition will be included to require the submission of samples of these materials to ensure they are sympathetic to the historic character of the site.

- 5.2.11 The outbuilding would be positioned behind the existing range of outbuildings. This positioning would shield most of the building from view within the site, between the existing range and the dwelling, with only partial glimpses of the roof of the building seen above the existing single storey range from ground level. In terms of the impact on the wider area, due to the location of the outbuilding, it would be partially visible from the streetscene of Abbey Turning and public areas within the setting. Due to the size of the proposed building, it would shield most of the single storey element of the existing barn range from view, however this is already partially obscured from wider views by the existing two-storey element and the surrounding trees, which are protected due to their location within a conservation area. The proposed building would measure 3.6 metres lower than the overall height of the Abbey and 2 metres lower than the two-storey element of the barn range. Therefore, whilst it is noted that the proposed building would shield some of the single storey barn range from view and would be visible from the streetscene, it is not considered to obscure any significant or important views of the Abbey itself from the wider surrounding area. The proposal is therefore not considered to detract from the historic significance of the Abbey or the character of the site.
- 5.2.12 Other works are also proposed, including internal works to the existing range, hard and soft landscaping within the courtyard and new boundary treatments. There are no concerns raised regarding these aspects in relation to design.
- 5.2.13 The Council's Conservation Officer considers that the formation of the new doorways would result in a localised loss of small areas of the timber framed structure of the single storey barn range as well as part of a horse trough, however this would result in limited harm to the overall significance of the grade II complex. The NPPF requires that where a proposal may result in less than substantial harm to the heritage asset, this harm should be weighed against public benefits of the proposal. As part of the proposal, repairs to the timber structure and the roof are proposed. These repair works would help to ensure that this part of the barn is repaired and retained in a good condition for the future. In order to limit the degree of loss of historic fabric, a condition will be included to ensure the method and degree of alteration to the timber-framed structure and horse trough are submitted to the Council for approval prior to these works being carried out.
- 5.2.14 Therefore, taking into account the above, the minor loss of historic fabric to the internal part of the barn range could be justified by the necessary repairs which will be carried out. The Council's Conservation Officer considers that the form and materials of the proposed outbuilding would reflect the agricultural aesthetic of the adjacent structures and would not result in harm to the setting of the grade II listed buildings. It would be lower in height and subservient to the Abbey itself. The only views it may impact on are the views from the west, however this view is largely obscured by trees along the boundary and by the existing barn range. The proposal would be a subtle and in keeping addition which would not cause harm to the setting of the Abbey.

- 5.2.15 Overall, whilst the proposal would cause limited harm to the grade II listed stables due to the removal of a small area of timber framing and part of an existing horse trough, this would be outweighed by the implementation of necessary repairs and by the sympathetic design which would enable a more convenient use of the heritage asset. The outbuilding itself would not harm the setting of the listed buildings and therefore, the proposal is considered to preserve the overall historic character of the site and the surrounding area.

### **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 closest neighbour is Beeleigh Grange, to the north of the site, and is located over 200 metres from the proposed outbuilding. Due to the separation distance between Beeleigh Abbey and Beeleigh Grange, and the lack of other neighbouring dwellings within the vicinity, the proposed outbuilding is not considered to have a demonstrable impact on the residential amenity of neighbouring occupiers, by way of overlooking or overshadowing, 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 are 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 outbuilding will not result in any increase in parking, nor will it impact on highway safety and therefore there is no objection to the proposal in relation to parking and highway safety.

## **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 Maldon Design Guide 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 outbuilding will result in a very minor reduction of amenity space however it will remain significantly in excess of the standard due to the large size of the site and therefore there is no objection to the proposal in relation to private amenity space.
- 5.5.3 Landscaping and boundary treatments are proposed. Whilst the Conservation Officer has requested that the new vertical boarded timber fence shall have timber posts rather than concrete posts and shall be stained black, there are no fundamental objections to the proposed boundary treatments or landscaping. However, conditions will be included to request further details of these aspects to ensure that all landscaping and boundary treatments are appropriate for the historic nature of the site and are in keeping with the listed buildings.
- 5.5.4 It is noted there is a row of Lime trees located on the western side of the proposed building, which are protected by way of their location within a conservation area. The Tree Consultant considers that these trees will not be significantly harmed by the proposed development and that the Tree Protection Method Statement provided with the application is sufficient. A condition will be included to ensure the method statement is followed, including visits and records, particularly when excavating the foundation line where roots could be affected.

## **5.6 Other Material Considerations**

- 5.6.1 A consultation response from the Essex County Council Historic Environment Officer confirms that they have no objections in relation to archaeology, however a condition regarding the implementation of a programme of archaeological work should be included to protect the historic value of the site.
- 5.6.2 No details of surface water or foul drainage have been provided however these can be requested through a condition.
- 5.6.3 Three pre-commencement conditions are suggested in relation to tree protection measure and archaeology. The Agent has provided their agreement to these conditions on 28 November 2019.

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

*(Only relevant history of the site will be referred to here.)*

- **LBC/MAL/01/01107** – Alterations to structure of gable and return wall to improve stability – Grant Listed Building Consent (12.02.2002).

- **FUL/MAL/02/00290**– Construction of new entrance gateway to grounds – Approved (23.05.2002).
- **LBC/MAL/02/00842**– Remove ground and first floor partitions, remove and replace internal stairs, remove windows and doors from west elevation and replace with 4 new windows, remove and replace ground floor window in south elevation – Approved (09.10.2002).
- **TCA/MAL/02/01116**– Pruning work to 15 lime trees. Felling of 2 lime trees and replacement with 2 yew trees. Fell and clear 5 sycamore trees. Crown reduction of one willow tree – Allow to proceed (02.12.2002).
- **LBC/MAL/03/00542**– Proposed laying of antique limestone flags on ground floor – Approved (04.11.2003).
- **LBC/MAL/04/00903**– To maintain the removal of the render to the west facade of the modern 1912 extension – Refused – Appeal Allowed (05.10.2004).
- **FUL/MAL/18/00975** - Construction of an aluminium framed ornamental glasshouse. – Approved (29.11.2018).
- **TCA/MAL/19/00111** - T1 & T2 Lime - Remove. T3 & T3A 6 Limes - Pollard to 6m above ground level (taking off 14m). Reduce lower limb of T3A by 6m. – Allow to proceed (20.03.2019).

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

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>                                 | <b>Officer Response</b> |
|--------------------------------------|--|-------------------------|
| Maldon Town Council                  | No response at the time of writing the report. | Noted.                  |

### 7.2 **Statutory Consultees and Other Organisations** (*summarised*)

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b> |
|---|---|-------------------------|
| Essex County Council<br>Historic Environment<br>Officer | No objections – The applicant has held discussions with this department regarding the archaeological implications of the scheme. An archaeological project design has been submitted and approved by this office. | Comments noted.         |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b> |
|---|---|-------------------------|
| Historic England  | No objections – no harm would be caused to the setting of the grade I listed building nor the grade II listed barn range. | Comments noted.         |

### 7.3 Internal Consultees (*summarised*)

| <b>Name of Internal Consultee</b> | <b>Comment</b>   | <b>Officer Response</b> |
|-----------------------------------|--|-------------------------|
| Conservation Officer              | <p>The formation of new doorways in the east and west external walls of the Victorian stable range would result in some localised loss of the timber framed structure and part of a 19<sup>th</sup> century horse trough. This would result in minor harm however this would be justified by the sympathetic design of the proposed addition and by the associated necessary repairs which will be carried out.</p> <p>The proposed building would reflect the agricultural aesthetic of the adjacent structures and would not harm the setting of the listed buildings. It would not appear over-scaled in this situation and would be subservient to the cottage and the Abbey itself. The only views it may interrupt are from the west, however these views are already obscured by existing trees. The proposal is a subtle and in-keeping addition which would not harm the setting of the Abbey.</p> <p>Overall, the proposal</p> | Comments noted.         |

| Name of Internal Consultee | Comment  | Officer Response |
|----------------------------|--|------------------|
|                            | would preserve the historic character of the site and the significance of the listed buildings, subject to conditions. |                  |

#### 7.4 External Consultees (*summarised*)

| Name of External Consultee | Comment  | Officer Response |
|----------------------------|--|------------------|
| Tree Consultant            | The tree report demonstrates that the trees are unlikely to be significantly impacted by the proposal, along with suitable protection measures in place to ensure this. Condition the tree protection method statement is followed, including visits and records, especially when excavating along the foundation line where tree roots could potentially be impacted. | Comments noted.  |

#### 7.5 Representations received from Interested Parties (*summarised*)

7.5.1 No representations have been received at the time of writing the report.

### 8. **PROPOSED CONDITIONS**

#### **FUL/MAL/19/01056:**

APPROVE 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.  
**REASON** To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans and documents: 258-01 Rev E, 258-101 Rev B, 258-103 Rev B, 258-104 Rev B, 258-106 Rev B, 258-107 Rev C, 258-109 Rev C, 258-110 Rev C, 258-111 Rev A, 258-105 Rev C, 258-102 Rev A, 258-106 Rev C  
**REASON** To ensure the development is carried out in accordance with the details as approved.

- 3 Prior to their use in the development hereby approved, samples of the cladding, bricks and roof tiles to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON To protect the historic character and appearance of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 4 The western mono-pitched roof shall be finished in standing seam metal, written details for which, including photos and details of joint profiles, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON To protect the historic character and appearance of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 5 Prior to their installation, the specifications of the proposed rooflights, windows and doors to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON To protect the historic character and appearance of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 6 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.  
REASON To ensure the boundary treatments are sympathetic to the historic character of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 7 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON To ensure the landscaping is sympathetic to the historic character of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 8 No development shall commence until fencing/ground protection to protect the trees to be retained has been erected in accordance with BS5837:2012, as per the submitted Tree Protection Method Statement and the Arboricultural Report. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure shall be erected.

REASON In order to safeguard the health and appearance of the trees in accordance with H4 of the Maldon District Local Development Plan.

- 9 The development hereby approved shall not commence until written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist has been submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall be undertaken in accordance with this supervision schedule.

REASON In order to safeguard the health and appearance of the trees in accordance with H4 of the Maldon District Local Development Plan.

- 10 No development works shall occur above ground level until details of the surface water and foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON In accordance with policy D5 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 11 The rainwater goods shall be made of metal finished black.

REASON To protect the historic character of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.



- 12 The development hereby permitted shall only be used for purposes ancillary to the dwelling known as Beeleigh Abbey and shall not at any time be used as annexe accommodation or as a separate residential unit.  
REASON To protect the amenity and historic character of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

**LBC/MAL/19/01055:**

GRANT LISTED BUILDING CONSENT 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.  
REASON To comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 The development hereby approved shall be carried out in accordance with the following approved plans and documents: 258-01 Rev E, 258-101 Rev B, 258-103 Rev B, 258-104 Rev B, 258-106 Rev B, 258-107 Rev C, 258-109 Rev C, 258-110 Rev C, 258-111 Rev A, 258-105 Rev C, 258-102 Rev A, 258-106 Rev C  
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 Prior to their use in the development hereby approved, samples of the cladding, bricks and roof tiles to be used in the development hereby approved shall be 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 order to protect the historic value of the site and the appearance of the surrounding area, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 4 The western mono-pitched roof shall be finished in standing seam metal, written details for which, including photos and details of joint profiles, shall be 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 order to protect the historic character of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 5 Prior to their installation, the specifications of the proposed rooflights, windows and doors to be used in the development hereby approved shall be 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 order to protect the historic value and appearance of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 6 No development, including groundworks of any kind, shall take place within the site until the applicant or their agents, the owner of the site or successors in title have secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing

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

REASON In order to protect the archaeological and historic value of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 7 The rainwater goods shall be made of metal finished black.

REASON To protect the historic character and appearance of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 8 Once the relevant part of the timber-framed structure to the stable range has been exposed, the method and degree of alteration to this timer-framed structure and the existing horse trough shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

REASON To protect the historic character of the site, in accordance with policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**  
to  
**CENTRAL AREA PLANNING COMMITTEE**  
**11 DECEMBER 2019**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/19/001060</b>   |
| <b>Location</b>                                       | Anchor Guest House<br>7 -9 Church Street<br>Maldon<br>Essex  |
| <b>Proposal</b>                                       | Alteration of existing property and conversion of ground floor guest house accommodation to form one two bedroom flat and one studio flat. Existing first floor flat and existing attached cottage to be retained as independent dwellings.  |
| <b>Applicant</b>                                      | Mr Stuart Ringer   |
| <b>Agent</b>  | Ms Codey - Herts Planning Ltd  |
| <b>Target Decision Date</b>                           | 13.12.2019   |
| <b>Case Officer</b>                                   | Kathryn Mathews  |
| <b>Parish</b>   | <b>MALDON WEST</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in – Councillor C Mayes due to<br>H4 (5.2) too much within a small development site<br>H4 (5.28) alterations are not well designed to allow for good quality high street based housing and are out side the current LDP requirements<br>D1 (3.6) new development - SPD - although within the curtilage of the High Street minimum parking should be afforded to avoid impacting on neighbours or existing parking arrangements. (2 bed flat - 1 space; 1 bed flat - 1 space; 1 studio flat - 1 space; 2 bed cottage - 1 space) These should also be allocated spaces<br>D1 Poor design with flat roof retained and rear entrances not addressed for good quality access and living for couples or single people.<br>D3 (3.28) within the conservation area improvement to all aspects of development including quality layout design, inside and out; good access; sympathetic materials |

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Anchor Guest House 7-9 Church Street, Maldon**  
19/01060/FUL



|  |                                       |
|--|---------------------------------------|
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|  | Organisation: Maldon District Council |
|  | Department: Department                |
|  | Comments: Central Area Committee      |
|  | Date: 19/11/2019                      |
| www.maldon.gov.uk  | MSA Number: 100018588                 |

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of Church Street, close to its junction with High Street and North Street. The site is located within Maldon Conservation Area. The site is within a predominantly residential area but there are non-residential uses in the vicinity including a public house, hot food takeaway, an Islamic Cultural Association and offices.
- 3.1.2 The site currently accommodates a two-bedroom dwelling attached to a building which accommodated a guest house at ground floor level and a one-bedroom residential flat at first floor level for the guest house manager. There are existing extensions to the rear of the building, a flat roofed two storey addition which forms part of the existing dwelling and a single storey flat roof projection which forms part of the guest house. Vehicular access to the site is from Church Street and is located to the east of the existing building. This access also provides access to the neighbouring block of flats (Blackwater Court) (11-21 Church Street) which is located to the east of the site. To the north (5 Church Street and 4 North Street) and west (12 North Street) are neighbouring residential properties. The main pedestrian access to the existing dwelling is gained via a doorway on the western elevation of the building. The main pedestrian access to the guest house is on the principal elevation of the building. The main access to the first floor flat is via a doorway to the rear of the building. To the rear of the building is a hard-surfaced area used for parking and storage. The existing building is rendered externally with the main part of the building having a tiled roof.
- 3.1.3 Planning permission is sought for the alteration of the existing property and conversion of the ground floor guest house accommodation to form one two-bedroom flat and one studio flat. The existing first floor flat and attached dwelling would be retained as independent dwellings.
- 3.1.4 The existing rear yard would be used for parking and the storage of bins and bicycles. The existing windows and doors would be replaced on the front and part of the eastern, side elevation with painted timber casement windows and the majority of the existing render would be over-clad with white painted timber weather-boarding. The existing ground floor bay windows on the front elevation of the building would be replaced.
- 3.1.5 The application is accompanied by a Design, Access & Heritage Statement in which it states that the quality of the accommodation in the guest house is very poor by modern standards and ‘the size and configuration of the building means that it is poorly suited to the provision of modern and economically sustainable tourist facilities. It is suggested that the guest house no longer has a viable future. It is stated that the existing rear yard does not provide any on-site parking or amenity space for the occupiers of the existing two-bedroom dwelling or the guest house. The agent considers that the proposed external works to the building would enhance the character and appearance of the Conservation Area and outweigh any conflict with parking or amenity space provision standards.
- 3.1.6 The Biodiversity Assessment submitted with the application concludes that the proposal would not have any adverse impact on biodiversity.

### **3.2 Conclusion**

- 3.2.1 The proposal would result in the unjustified loss of tourist accommodation which Policy E5 of the Maldon District Approved Local Development Plan (MDLDP) seeks to retain in the interests of the economy of the District. The development would also not provide an adequate quality of life for the occupiers of all of the residential units proposed and a financial contribution towards RAMS would be required to mitigate the impact of the development on the European nature conservation sites. However, it is concluded that the development would not harm the character or appearance of the area (which is a Conservation Area), would not cause harm to the amenity of neighbours and would not cause adverse issues with respect to highway safety/parking.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 80-82 Building a strong, competitive economy
- 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
- H2 Housing Mix
- H4 Effective Use of Land
- E5 Tourism
- T1 Sustainable Transport

#### **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 SPD (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 (which is a Conservation Area), any impact on the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed residential accommodation, highway safety/parking and nature conservation.

#### **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 One of the aims of Policy E5 is to protect existing tourism provision. The Policy states that the change of use from tourism uses will only be considered if a) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs b) the existing business/service is not and cannot be made viable; and c) there is no known demand for existing and alternative tourism use, and the site has been marketed effectively for all alternative tourism related uses.
- 5.2.4 With respect to criterion a), the proposal would result in the loss of the existing guest house. There is the Limes Guesthouse on Market Hill, Maldon as well as a number of bed and breakfast options in the Town (The Bell, The Star House, 32 The Hythe and the White House) and a Travelodge is under construction adjacent to the Blackwater Retail Park. However, the application has not been supported by any information for the local planning authority to be able to come to the conclusion that alternative provision in the locality can meet the needs for tourism accommodation. Therefore, the requirements of this criterion have not been met.
- 5.2.5 With respect to criterion b), the applicant's agent makes reference to the existing guest house use not being viable. They also consider that the quality of the

accommodation in the guest house is very poor by modern standards and ‘the size and configuration of the building means that it is poorly suited to the provision of modern and economically sustainable tourist facilities’. However, there is no information accompanying the application to support these claims. Therefore, the requirements of this criterion have not been met.

- 5.2.6 The last criterion c) relates to criterion b). There is no information accompanying the application for the local planning authority to be able to conclude that there is no known demand for the existing or alternative tourism use, and that the site has been marketed effectively for all alternative tourism related uses. Therefore, the requirements of this criterion have not been met.
- 5.2.7 Whilst there is no objection to the provision of additional residential accommodation in Maldon town centre, the loss of the existing use of the property as a guest house has the potential to be detrimental to tourism provision, thereby harming the economy of the District, contrary to Policies S1, S5 and E5 of the LDP.
- 5.2.8 The Council can demonstrate a 5-year supply of deliverable land for housing. In addition, the Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three-bedroom plus units. The 5-year supply of deliverable land for housing is a minimum, not a maximum, requirement. It is considered the proposal would contribute positively to the identified housing need and be responsive to local circumstances which does weigh in favour of the proposal. However, the weight which can be afforded is very limited due to the small number of residential units proposed.

### **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:-

- 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.

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

5.3.5 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.

5.3.6 The Conservation Officer has provided the following specialist advice:

*Heritage assets affected by this proposal:*

*This property falls within the Maldon Conservation Area. The street is covered by an Article 4 direction which restricts the replacement of front windows and doors to ensure the retention of traditional architectural detailing and, where appropriate, encourage its reinstatement.*

*Description of heritage significance:*

*The building which is now the Anchor Guest House was first built as a terrace of three cottages in the mid-19th century. The old photographs ...show that it is a timber-framed building which was clad in timber weatherboarding and had a slate-clad roof. The front elevation was originally composed of vertically-sliding margin-*

*glazed sash windows, panelled timber doors framed by simple classical surrounds, and a shopfront at the left-hand end.*

*Weatherboarded cottages are not very common in Maldon. It is regrettable that this terrace was altered in such an unsympathetic manner in the third quarter of the 20th century, particularly because of its prominent position at the entrance to Church Street. The form and design of all front windows and doors were altered, the walls were rendered in cement, and the roof was re-covered using brown concrete tiles.*

*The Maldon Conservation Area derives much of its special character and appearance from the high survival of traditional historic buildings within the town centre. In its original form, this property reflected the town's special architectural qualities but in its current state it is an eyesore.*

*Identification and assessment of the proposal's impact on the special character and appearance of the conservation area:*

*Two planning applications have been submitted, which would create different types of residential accommodation internally, but the external alterations involved would be essentially the same. As it is the external alterations which would impact the character of the conservation area, the following comments respond to both applications.*

*It is a shame that what is being proposed is not a meaningful restoration of the building's historic appearance, which would be a great enhancement. Instead, the proposal is a dressing-up of the modern alterations to make them look more 'traditional'. Nonetheless, if painted timber is used for the windows and the cladding, and the detailing is of an appropriate quality, the alterations would improve the appearance of the building and the contribution it makes to the character of the area.*

*The weatherboards illustrated on the drawings 'as proposed' appear a bit too wide, but a more appropriate width of boarding could be ensured through a condition.*

*Identification of the degree of harm to the significance of the heritage asset:  
I advise that this proposal will cause no harm to the significance of the conservation area. It is therefore compliant with the policies set out in Chapter 16 of the NPPF and Policy D3 of the Maldon LDP.*

*Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. For the reasons outlined above, I advise that the proposal would achieve a modest enhancement to this part of the conservation area.*

*Recommended decision:*

*For the reasons outlined above I do not object to these applications subject to the following conditions:*

- All new windows, doors, cladding and any other new external joinery shall be of hand-painted timber only*
- Samples of the weatherboarding shall be submitted for approval prior to its installation*

• *Large-scale drawings of new windows and doors – illustrating elevations at 1:20 and section details of glazing bars, head, cills jambs etc – shall be submitted for approval prior to their installation*

- 5.3.7 Based on this advice and the nature and extent of the external changes proposed to the building, it is considered that the development would not cause harm to the character or appearance of the area and result in a modest enhancement to this part of the Conservation Area, subject to the imposition of conditions, as recommended by the Conservation Officer. The proposal would, therefore, preserve the character and appearance of the Conservation Area and would comply with Policies D1, D3 and H4 of the LDP.

#### **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 existing first floor windows would continue to serve the rooms they currently serve and no additional windows or doors are proposed. Therefore, the proposal would not result in a loss of privacy for the occupiers of any neighbouring residential property. The existing building would not be increased in size and, therefore, the development would not cause harm to neighbouring occupiers by reason of loss of outlook, light, daylight or sunlight and would not have an adverse visual impact. As a result of the nature and extent of the development proposed, and the existing use of the site, it is considered that the proposal would not have adverse impacts in terms noise, smell or pollution.
- 5.4.3 Based on the above and as the new development only relates to part of the ground floor of the property, it is not considered that the proposal would cause material harm to the occupiers of either of the existing, neighbouring dwellings by reason of privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

#### **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 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. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.5.3 There would be no change to the existing vehicular access to the site. Four parking spaces are shown to be provided along the northern boundary of the site.
- 5.5.4 The Highways Authority has not commented on the proposal but, as a result of the nature and extent of the development proposed, and the existing use of the site, it is not considered that the development proposed would cause adverse highway safety issues.
- 5.5.5 The parking standard for one bedroom residential units is a minimum of one space. The parking standard for two bedroom residential units is a minimum of two spaces. Four parking spaces are proposed within the rear yard area which would equate to one space for each of the existing and proposed residential units. The adopted parking standard would require the provision of a total of six spaces. Whilst the provision of four spaces would be less than this standard, there is allowance in the adopted standards for a relaxation of the standards in town centre locations, such as the application site. Furthermore, the two residential units proposed would replace a guest house with five bedrooms and the parking standard for hotels is 1 staff space per 5 bedrooms and a space per bedroom i.e. a greater requirement of 6 spaces. The agent states that there is currently no off-street parking for the existing guest house or attached dwelling. Based on this, due to the limited number of units proposed, as the deficiency would not be substantial and only small, one/two bedroom units would occupy the site, no objection to the proposal is raised with respect to parking provision.

## **5.6 Quality of Life for the Occupiers of the Proposed Residential Accommodation**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwelling house, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 No provision for private amenity space would be made as part of the development proposed. It is acknowledged that there is no amenity space provision currently for the existing residential units and the site is in close proximity to extensive public open space at Promenade Park. However, the existing first floor unit is a flat used by the guest house manager i.e. a live/work unit which could justify provision below the recommended minimum. It is considered that the provision of no private external amenity space, especially for the two-bedroom unit proposed which could be occupied by a family, would result in the quality of life for the occupiers of the development proposed being below an acceptable level. It is recommended below that planning permission is refused for this reason.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of

the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).

- 5.7.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.5 The site is near to the Blackwater Estuary and the associated nationally and internationally designated sites for nature conservation.
- 5.7.6 Natural England has advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.7 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.
- 5.7.8 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), Houses in Multiply Occupation (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.

- 5.7.9 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 has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.10 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 does 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 and has currently been set at £122.30 per dwelling.
- 5.7.11 To accord with Natural England’s requirements, a Essex Coast RAMS 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

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 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 considered that mitigation, in the form of a financial contribution of £244.60 for the two additional residential units proposed, is necessary, in this case.

- 5.7.12 Taking into account the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location, without mitigation, would be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.
- 5.7.13 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. It is recommended below that planning permission is refused for this reason.

**6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/19/01061** - Alteration of existing property and change of use of ground floor guest house accommodation to form a five bedroom "house in multiple occupation". Existing first floor flat and existing attached cottage to be retained as independent dwellings – Undetermined.

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b> | <b>Officer Response</b> |
|--------------------------------------|----------------|-------------------------|
| Maldon Town Council                  | No response    |                         |

**7.2 Statutory Consultees and Other Organisations**

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b> | <b>Officer Response</b>        |
|---|----------------|--------------------------------|
| Highways Officer  | No response    | Refer to section 5.5 of report |

**7.3 Internal Consultees**

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>        |
|-----------------------------------|---|--------------------------------|
| Environmental Health Officer      | No response   |                                |
| Conservation Officer              | No objection, subject to the imposition of conditions | Refer to section 5.3 of report |

**7.4 Representations received from Interested Parties**

7.4.1 No letters of representation were received.

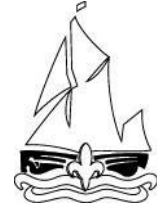
**8. PROPOSED REASONS FOR REFUSAL,**

- 1 The proposal would result in the unjustified loss of tourist accommodation which Policy E5 of the Maldon District Approved Local Development Plan seeks to retain in the interests of the economy of the District. The proposal is, therefore, contrary to Policies S1, S5 and E5 of the Maldon District Approved Local Development Plan, and the NPPF.
- 2 The development would not provide an adequate quality of life for the occupiers of the two-bedroom residential unit proposed as a result of the absence of any external, private amenity space. The development would,

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

- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**  
to  
**CENTRAL AREA PLANNING COMMITTEE**  
**11 DECEMBER 2019**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/19/001061</b>  |
| <b>Location</b>                                       | Anchor Guest House<br>7 -9 Church Street<br>Maldon<br>Essex   |
| <b>Proposal</b>                                       | Alteration of existing property and change of use of ground floor guest house accommodation to form a five bedroom "house in multiple occupation". Existing first floor flat and existing attached cottage to be retained as independent dwellings.   |
| <b>Applicant</b>                                      | Mr Stuart Ringer  |
| <b>Agent</b>  | Mr Robert Ward-Booth - Ward-Booth Partnership   |
| <b>Target Decision Date</b>                           | 13.12.2019  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | <b>MALDON NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in – Councillor C Mayes for the following reasons:<br>D4 (5.2) Volume of residential units too high on site therefore not providing a good quality of life<br>H4 (5.28) minimal design inside - not quality living. HMO's are not on the list of development needs.<br>D1 (3.6) insufficient given potential number of residents<br>SPD - potential to have five families (9 people) plus flat (2 persons) and existing cottage (2 persons) (9 spaces + 1 space + 1 space = 11 spaces. Only 4 available and not allocated)<br>D1 poor design inside and out - flat roof retained and rear entrances not designed to provide a quality living environment for residents.<br>D3 (3.28) within conservation area the poor/no design layout overall is lacking.<br>HMO requirements are demanding and quality is paramount to avoid longer term issues that could cause the EHO issues. |

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Anchor Guest House 7-9 Church Street, Maldon**  
19/01061/FUL



|  |               |                         |
|--|---------------|-------------------------|
|  <p><b>Copyright</b><br/>For reference purposes only.<br/>No further copies may be made.<br/>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.<br/>Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2014</p> | Scale:        | 1:625                   |
|  | Organisation: | Maldon District Council |
|  | Department:   | Department              |
|  | Comments:     | Central Area Committee  |
|  | Date:         | 19/11/2019              |
|  | MSA Number:   | 100018588               |
| <a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>   |               |                         |

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of Church Street, close to its junction with High Street and North Street. The site is located within Maldon Conservation Area. The site is within a predominantly residential area but there are non-residential uses in the vicinity including a public house, hot food takeaway, an Islamic Cultural Association and offices.
- 3.1.2 The site currently accommodates a two-bedroom dwelling attached to a building which accommodated a guest house at ground floor and a one-bedroom residential flat at first floor level for the guest house manager. There are existing extensions to the rear of the building – a flat roofed two storey addition which forms part of the existing dwelling and a single storey flat roof projection which forms part of the guest house. Vehicular access to the site is from Church Street and is located to the east of the existing building. This access also provides access to the neighbouring block of flats (Blackwater Court) (11-21 Church Street) which is located to the east of the site. To the north (5 Church Street and 4 North Street) and west (12 North Street) are neighbouring residential properties. The main pedestrian access to the existing dwelling is gained via a doorway on the western elevation of the building. The main pedestrian access to the guest house is on the principal elevation of the building. The main access to the first floor flat is via a doorway to the rear of the building. To the rear of the building is a hard-surfaced area used for parking and storage. The existing building is rendered externally with the main part of the building having a tiled roof.
- 3.1.3 Planning permission is sought for the alteration of the existing property and change of use of the ground floor guest house accommodation to form a five bedroom "house in multiple occupation" (HMO). The existing first floor flat and existing attached cottage would be retained as independent dwellings.
- 3.1.4 The existing rear yard would be used for parking and the storage of bins and bicycles. The existing windows and doors would be replaced on the front and part of the eastern, side elevation with painted timber casement windows and the majority of the existing render would be over-clad with white painted timber weather-boarding. The existing ground floor bay windows on the front elevation of the building would be replaced.
- 3.1.5 The application is accompanied by a Design, Access & Heritage Statement in which it states that the quality of the accommodation in the guest house is very poor by modern standards and 'the size and configuration of the building means that it is poorly suited to the provision of modern and economically sustainable tourist facilities'. It is suggested that the guest house no longer has a viable future. It is stated that the existing rear yard does not provide any on site parking or amenity space for the occupiers of the existing two-bedroom dwelling or the guest house. The agent considers that the proposed external works to the building would enhance the character and appearance of the Conservation Area and outweigh any conflict with parking or amenity space provision standards.
- 3.1.6 The Biodiversity Assessment submitted with the application concludes that the proposal would not have any adverse impact on biodiversity.

### **3.2 Conclusion**

- 3.2.1 The proposal would result in the unjustified loss of tourist accommodation which Policy E5 of the Maldon District Approved Local Development Plan (MDLDP) seeks to retain in the interests of the economy of the District. However, it is concluded that the development would not harm the character or appearance of the area (which is a Conservation Area), would not cause harm to the amenity of neighbours, would provide an adequate quality of life for the occupiers of the proposed residential accommodation, would not cause adverse issues with respect to highway safety/parking. A financial contribution towards RAMS would be required to mitigate the impact of the development on the European nature conservation sites.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 80-82 Building a strong, competitive economy
- 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
- H2 Housing Mix
- H4 Effective Use of Land
- E5 Tourism
- 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 SPD(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 (which is a Conservation Area), any impact on the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed residential accommodation, highway safety/parking and nature conservation.

#### **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 One of the aims of Policy E5 is to protect existing tourism provision and states that the change of use from tourism uses will only be considered if a) There will be no significant loss of tourism facilities as a result, or an alternative provision in the locality can meet the needs b) the existing business/service is not and cannot be made viable; and c) there is no known demand for existing and alternative tourism use, and the site has been marketed effectively for all alternative tourism related uses.
- 5.2.4 With respect to criterion a), the proposal would result in the loss of the existing guest house. There is the Limes Guesthouse on Market Hill, Maldon as well as a number of bed and breakfast options in the Town (The Bell, The Star House, 32 The Hythe and the White House) and a Travelodge is under construction adjacent to the Blackwater Retail Park. However, the application has not been supported by any information for the local planning authority to be able to come to the conclusion that alternative provision in the locality can meet the needs for tourism accommodation. Therefore, the requirements of this criterion have not been met.

- 5.2.5 With respect to criterion b), the applicants agent makes reference to the existing guest house use not being viable. They also consider that the quality of the accommodation in the guest house is very poor by modern standards and ‘the size and configuration of the building means that it is poorly suited to the provision of modern and economically sustainable tourist facilities’. However, there is no information accompanying the application to support these claims. Therefore, the requirements of this criterion have not been met.
- 5.2.6 The last criterion c) relates to criterion b). There is no information accompanying the application for the local planning authority to be able to conclude that there is no known demand for the existing or alternative tourism use, and that the site has been marketed effectively for all alternative tourism related uses. Therefore, the requirements of this criterion have not been met.
- 5.2.7 Whilst there is no objection to the provision of additional residential accommodation in Maldon town centre, the loss of the existing use of the property as a guest house has the potential to be detrimental to tourism provision, thereby harming the economy of the District, contrary to Policies S1, S5 and E5 of the LDP.
- 5.2.8 There is no specific Policy in the LDP relating to proposals for HMOs but the Council can demonstrate a 5-year supply of deliverable land for housing. In addition, the Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three-bedroom plus units. It is considered the proposal, which would result in the creation of a two-bedroom, two storey dwelling, a first floor flat (which is currently the guest house manager’s flat) and a five-bedroom HMO at ground floor level at the site, would contribute positively to the identified housing need and be responsive to local circumstances which does weigh in favour of the proposal. However, the weight which can be afforded is very limited due to the small number of residential units proposed.

### **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:-

- 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.

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

5.3.5 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.

5.3.6 The Conservation Officer has provided the following specialist advice:

*Heritage assets affected by this proposal:*

*This property falls within the Maldon Conservation Area. The street is covered by an Article 4 direction which restricts the replacement of front windows and doors to ensure the retention of traditional architectural detailing and, where appropriate, encourage its reinstatement.*

*Description of heritage significance:*

*The building which is now the Anchor Guest House was first built as a terrace of three cottages in the mid-19th century. The old photographs ...show that it is a timber-framed building which was clad in timber weatherboarding and had a slate-clad roof. The front elevation was originally composed of vertically-sliding margin-*



*glazed sash windows, panelled timber doors framed by simple classical surrounds, and a shopfront at the left-hand end.*

*Weatherboarded cottages are not very common in Maldon. It is regrettable that this terrace was altered in such an unsympathetic manner in the third quarter of the 20th century, particularly because of its prominent position at the entrance to Church Street. The form and design of all front windows and doors were altered, the walls were rendered in cement, and the roof was re-covered using brown concrete tiles.*

*The Maldon Conservation Area derives much of its special character and appearance from the high survival of traditional historic buildings within the town centre. In its original form, this property reflected the town's special architectural qualities but in its current state it is an eyesore.*

*Identification and assessment of the proposal's impact on the special character and appearance of the conservation area:*

*Two planning applications have been submitted, which would create different types of residential accommodation internally, but the external alterations involved would be essentially the same. As it is the external alterations which would impact the character of the conservation area, the following comments respond to both applications.*

*It is a shame that what is being proposed is not a meaningful restoration of the building's historic appearance, which would be a great enhancement. Instead, the proposal is a dressing-up of the modern alterations to make them look more 'traditional'. Nonetheless, if painted timber is used for the windows and the cladding, and the detailing is of an appropriate quality, the alterations would improve the appearance of the building and the contribution it makes to the character of the area.*

*The weatherboards illustrated on the drawings 'as proposed' appear a bit too wide, but a more appropriate width of boarding could be ensured through a condition.*

*Identification of the degree of harm to the significance of the heritage asset:  
I advise that this proposal will cause no harm to the significance of the conservation area. It is therefore compliant with the policies set out in Chapter 16 of the NPPF and Policy D3 of the Maldon LDP.*

*Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. For the reasons outlined above, I advise that the proposal would achieve a modest enhancement to this part of the conservation area.*

*Recommended decision:*

*For the reasons outlined above I do not object to these applications subject to the following conditions:*

- All new windows, doors, cladding and any other new external joinery shall be of hand-painted timber only*
- Samples of the weatherboarding shall be submitted for approval prior to its installation*



• *Large-scale drawings of new windows and doors – illustrating elevations at 1:20 and section details of glazing bars, head, cills jambs etc – shall be submitted for approval prior to their installation*

- 5.3.7 Based on this advice and the nature and extent of the external changes proposed to the building, it is considered that the development would not cause harm to the character or appearance of the area and would result in a modest enhancement to this part of the Conservation Area, subject to the imposition of conditions, as recommended by the Conservation Officer. The proposal would, therefore, preserve the character and appearance of the Conservation Area and would comply with Policies D1, D3 and H4 of the LDP.

#### **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 proposal would result in the creation of a two-bedroom, two storey dwelling, a first floor flat (which is currently the guest house manager's flat) and a five-bedroom HMO at ground floor level.
- 5.4.3 The existing first floor windows would continue to serve the rooms they currently serve and no additional windows or doors are proposed. Therefore, the proposal would not result in a loss of privacy for the occupiers of any neighbouring residential property. The existing building would not be increased in size and, therefore, the development would not cause harm to neighbouring occupiers by reason of loss of outlook, light, daylight or sunlight and would not have an adverse visual impact. As a result of the nature and extent of the development proposed, and the existing use of the site, it is considered that the proposal would not have adverse impacts in terms of noise, smell or pollution.
- 5.4.4 Based on the above and as the new development only relates to part of the ground floor of the property, it is not considered that the proposal would cause material harm to the occupiers of either of the existing, neighbouring dwellings by reason of privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

#### **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 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. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 There would be no change to the existing vehicular access to the site. Four parking spaces are shown to be provided along the northern boundary of the site.
- 5.5.4 The Highways Authority has not commented on the proposal but, as a result of the nature and extent of the development proposed, and the existing use of the site, it is not considered that the development proposed would cause adverse highway safety issues.
- 5.5.5 There is no parking standard specifically for HMOs in the adopted vehicle parking standards. However, the adopted parking standard for dwellings is one space for one-bedroom dwellings, two spaces for dwellings with two or three bedrooms and three spaces where there are four or more bedrooms. The adopted parking standards would require the provision of two off-street parking spaces for the two-bedroom dwelling and one parking space for the one-bedroom flat. A five-bedroom dwelling would require the provision of three off-street parking spaces. Based on the above, it is considered that a total of six off-street parking spaces would be required to comply with the adopted parking standard. The proposed provision of four off-street parking spaces would not comply with this requirement.
- 5.5.6 However, the agent has stated that there is no off-street parking provision for the existing guest house and the attached dwelling. Account also needs to be taken of the type of residential use proposed, the town centre location of the site and the fact that the proposal would not increase the demand for off-street parking compared to the existing use of the building as a guest house (the parking standard for hotels is 1 staff space per 5 bedrooms and a space per bedroom). As a result, no objection is raised to the development proposed on parking grounds.

## **5.6 Quality of Life for the Occupiers of the Proposed Residential Accommodation**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwelling house, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 No provision for private amenity space would be made as part of the development proposed. However, there is no amenity space provision currently for the existing residential units (although it is acknowledged that the existing first floor unit is a flat used by the guest house manager i.e. a live/work unit which could justify provision below the recommended minimum). Furthermore, only a small number of bedrooms are proposed as part of the HMO and the site is in close proximity to extensive public open space at Promenade Park. The Environmental Health Officer has yet to comment on the proposal but it is not anticipated that a refusal of planning permission based on the quality of life of the occupiers of the proposed HMO could be sustained in this case.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.5 The site is near to the Blackwater Estuary and the associated nationally and internationally designated sites for nature conservation.
- 5.7.6 Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.7 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.
- 5.7.8 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 sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (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.

- 5.7.9 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 has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.10 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 does 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 and has currently been set at £122.30 per dwelling.
- 5.7.11 To accord with Natural England’s requirements, a Essex Coast RAMS 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

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 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 considered that mitigation, in the form of a financial contribution of £122.30 for the single HMO proposed, is necessary, in this case.

- 5.7.12 Taking into account the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location, without mitigation,

would be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

- 5.7.13 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. It is recommended below that planning permission is refused for this reason.

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

- **FUL/MAL/19/01060** - Alteration of existing property and conversion of ground floor guest house accommodation to form one two bedroom flat and one studio flat. Existing first floor flat and existing attached cottage to be retained as independent dwellings - Undetermined

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

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b> | <b>Officer Response</b> |
|--------------------------------------|----------------|-------------------------|
| Maldon Town Council                  | No response    |                         |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b> | <b>Officer Response</b>        |
|---|----------------|--------------------------------|
| Highways Officer  | No response    | Refer to section 5.5 of report |

### 7.3 **Internal Consultees**

| <b>Name of Internal Consultee</b> | <b>Comment</b>  | <b>Officer Response</b>        |
|-----------------------------------|---|--------------------------------|
| Environmental Health Officer      | No response   | Refer to section 5.6 of report |
| Conservation Officer              | No objection, subject to the imposition of conditions | Refer to section 5.3 of report |

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

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

| <b>Objection Comment</b>   | <b>Officer Response</b>  |
|--|--|
| A House in Multiple Occupation is not appropriate to a Conservation Area and High Street. Conversion to two residential flats is more appropriate. | Noted but the proposed use would not cause harm to the character or appearance of the Conservation Area and is not use which is inappropriate in a town centre |

| Objection Comment | Officer Response   |
|-------------------|--|
|                   | location. A more preferable use is not a justifiable reason for refusal. |

**8. PROPOSED REASONS FOR REFUSAL.**

- 1 The proposal would result in the unjustified loss of tourist accommodation which Policy E5 of the Maldon District Approved Local Development Plan seeks to retain in the interests of the economy of the District. The proposal is, therefore, contrary to Policies S1, S5 and E5 of the Maldon District Approved Local Development Plan, and the NPPF.
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
11 DECEMBER 2019**

|   |  |
|---|--|
| <b>Application Number</b>                                 | <b>WTPO/MAL/19/01071</b>   |
| <b>Location</b>   | 34 Highlands Drive, Maldon                                       |
| <b>Proposal</b>   | Fell oak tree and treat stump to prevent regrowth and replace.   |
| <b>Applicant</b>  | Miss Abrams  |
| <b>Agent</b>  | Dr Jon Heuch   |
| <b>Target Decision Date</b>                               | 03.12.2019   |
| <b>Case Officer</b>                                       | Louise Staplehurst   |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the<br/>Committee / Council</b> | Member Call In by Councillor C Mayes<br>Reason: Policy N1 and N2 |

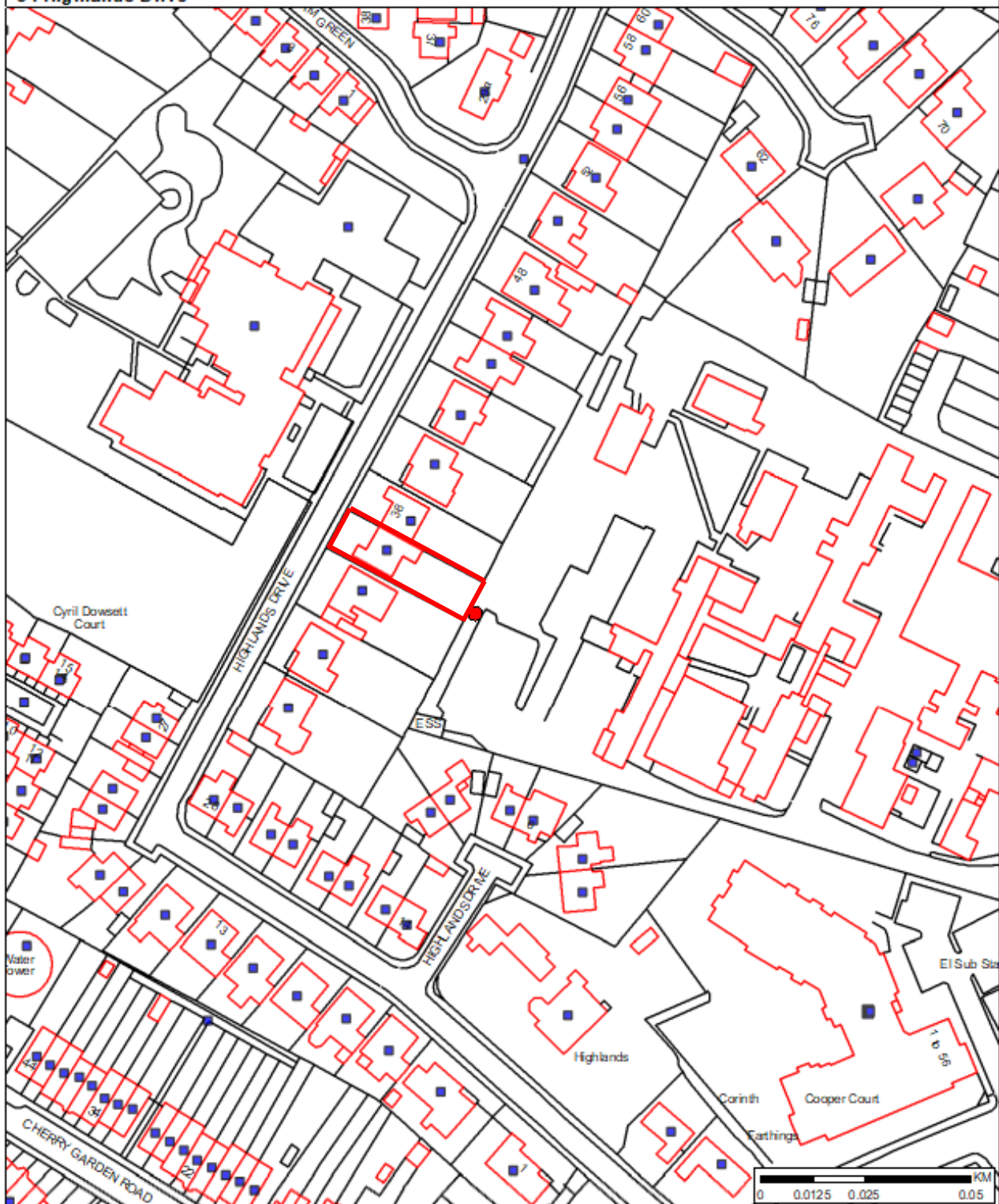
**1. RECOMMENDATION**


**REFUSE** for the reasons as detailed in Section 7 of this report.

**2. SITE MAP**

Please see overleaf.

**19/01071/WTP0**  
**34 Highlands Drive**



|   |               |                         |
|---|---------------|-------------------------|
|  <p><b>Copyright</b><br/> For reference purposes only.<br/> No further copies may be made.<br/> This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright.<br/> Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/> Maldon District Council 100018588 2014</p> | Scale:        | 1:1,250                 |
|   | Organisation: | Maldon District Council |
|   | Department:   | Department              |
|   | Comments:     | Central Area Committee  |
|   | Date:         | 27/11/2019              |
|   | MSA Number:   | 100018588               |
| <a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>  |               |                         |



### **3. SUMMARY**

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

- 3.1.1 The application site is located on the south eastern side of Highlands Drive, within the settlement boundary of Maldon. The Oak tree, subject of this application, is located along the rear boundary of the site, shared with St Peter's Hospital.
- 3.1.2 It is proposed to fell the Oak tree, subject to Tree Preservation Order (TPO) 1/06.
- 3.1.3 Supporting information and reports have been provided with the application which appear to implicate the tree as a cause of damage to the dwelling on the application site.
- 3.1.4 The Agent has provided further information regarding the costs related to the tree. He considers that if the tree is removed, the costs of repair to the dwelling are around £4,000. If the tree remains and the dwelling has to be underpinned, the costs will be around £30,000. This assumes that the property can be underpinned without the residents having to move out. If they have to live elsewhere, this may add another £24,000 to the bill. Therefore, the Agent considers the minimum foreseeable loss to be £26,000.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the Oak tree provides significant amenity value and makes a positive contribution to the character and appearance of the surrounding area. The evidence put forward does not consider other works which may be undertaken in order to prevent damage to the dwelling and the loss of the TPO Oak tree. Therefore, it is not considered that satisfactory information has been submitted that would justify the loss of the tree. The removal of the Oak tree would be detrimentally harmful to the character and appearance of the area and therefore the proposal works are unacceptable. This approach is considered to be in accordance with appropriate case law.

### **4. MAIN CONSIDERATIONS**

#### **4.1 Impact on the Character and Appearance of the Area**

- 4.1.1 The Oak tree is located to the rear of the bungalows along this part of Highlands Drive. Due to the large size of the tree, even though it is positioned to the rear of the dwellings in this location, it is highly visible from the streetscene. It contributes positively to the visual amenity of the area and therefore the tree is considered to hold significant amenity value.
- 4.1.2 The proposed removal of the tree is considered to be unacceptably harmful to the character and appearance of the surrounding area and the justification provided is not considered adequate to warrant the removal of the tree; this will be discussed further below in the report. It is considered that the tree currently provides significant amenity value within the surrounding area which would be lost with its removal. There are other large trees in the area, including other Oak trees. However, these

trees are located further north east and south west of the tree, subject of this application. Therefore, its removal would not be mitigated by other trees in the area.

- 4.1.3 Overall, it is considered that the proposed removal of the tree would result in detrimental harm to the character and appearance of the surrounding area.

## **4.2 Health of the Tree**

- 4.2.1 The Tree Consultant has not reported any damage or decay to the tree and therefore the removal of the Oak tree is not justified on health grounds.

## **4.3 Justification of Works**

- 4.3.1 The information submitted with the application is suggesting that the Oak tree is causing subsidence to the dwelling on the site. The following documents have been provided as part of the application:

- Duramen Arboricultural Report 7 October 2019
- Duramen Fig 1 Rev A Tree and Shrub locations 15 January 2019
- Drainage Repair Company – Schedule of Completed Repairs 3 January 2019
- Drainage Repair Company 28 November 2018
- 360 Globalnet Engineer Report 19 October 2018
- Geo-serv Subsidence Monitoring Services 10 September 2019

- 4.3.2 The Tree Consultant has reviewed this information and considers that, as the main report from TMA Chartered Surveyors (27 September 2018) is missing from the information sent in, he has been unable to fully assess the information based on what was available to the Arborist at the time of writing the Arboricultural Report. This therefore limits the weight that can be attributed to the assessment.

- 4.3.3 The tree report refers to roots being found by the foundation that emanate from an Oak however no root or soil analysis has been provided to confirm this. The report also comments that crack monitoring has shown a progressive movement over the summer. The crack monitoring shows a slight movement, which could be as a result of the natural dry conditions being experienced and not necessarily as a direct impact of the tree. The tree report also comments that some reversal movement will occur when the tree is leafless. No continued monitoring data has been provided to suitably demonstrate the movement is seasonal and a likely result of the tree's influence. It should be remembered that seasonal movement occurs naturally depending on the weather conditions. The movement is slight and if a high-water demanding species such as the Oak was major contributing factor, it would be expected to see more dramatic changes in the results. Further investigation over a longer period would offer a better understanding of the movement being experienced.

- 4.3.4 The tree report provides solutions as to how to address the suspected tree's influence on the property. It highlights the preferred option is removal over the other possibilities, this appears to stem from a financial perspective, rather than viable options to retain this important tree within the landscape. The Tree Consultant undertook a CAVAT (Capital Asset Value for Amenity Trees) assessment and this resulted in a figure of the tree being worth an amenity monetary value of £72,556.

Therefore, other options to retain and protect the tree should be explored. It is noted that this figure is based on the Consultant's interpretation of the system and others may come to alternative conclusions.

- 4.3.5 The engineer's report is dated 19 October 2018 and does not provide any justified evidence in this document to implicate the tree; it is only speculative. A mix of various report information has been sent to include drainage repair and crack monitoring, but no final report from an engineer to discuss the findings and other options to address the situation.
- 4.3.6 Drainage investigation found a displaced joint within 3 metres of the rear left corner of bungalow. This is where the damage to the building has been identified. It is feasible that this has caused the ground to soften and the slight movement could be a result of this. Further information is required to determine if the damage is as a result of soil desiccation, with the tree being a significant contributory factor.
- 4.3.7 No foundation details have been provided. It is possible that under the National House Building Guidelines, the foundations are not suitable to support the building in respect of the tree, therefore underpinning to rectify the problem could be considered the correct solution rather than remove the tree and risk damage by heave to other properties being caused, as well as removing a valuable amenity asset within the landscape.
- 4.3.8 It is not impossible that the tree could be having a negative effect on the property, however it is felt that insufficient evidence has been provided to demonstrate that the tree is definitely causing the harm and that the removal of the tree is the only option, as insufficient consideration has been given to alternative options to address the damage other than removal of this tree. The removal of this tree has not been suitably justified given the evidence provided within this application.
- 4.3.9 The purpose of TPO legislation is that trees of a high amenity value should be protected for the benefit of the public. It therefore follows that even where damage to the property is involved, felling should be a last resort and other alternatives should be preferred wherever possible, and in this case a root barrier should be considered.
- 4.3.10 This approach has been handed down by the Court of Appeal in the case of *Perrin v Northampton Borough Council* 2007, it was the Judgment of Lord Justice Wall that "If, as is obviously the case, the underlying purpose of the legislation is to preserve trees which are the subject of TPOs, it would seem counterintuitive to that purpose when considering what is the minimum necessary that needs to be done in order to prevent or abate a nuisance caused by a tree that is subject to a TPO, to ignore altogether steps that may be taken other than to the tree itself and instead focus simply on the works to the tree".
- 4.3.11 Therefore, despite the evidence submitted with the application in relation to damage to the dwelling and the cause of the damage, the Council does not consider this is sufficient to justify the removal of the Oak tree, given its significant amenity value. The Council considers that other methods of protecting the tree should be investigated.

#### 4.4 Other Considerations

- 4.4.1 It is noted that the application proposes a replacement tree, however a replacement tree would not be as well established as the Oak tree. Furthermore, as insufficient information has been provided to justify why the removal of the tree is the only and most suitable option, it is not considered that a replacement tree would sufficiently mitigate the loss of the Oak tree and the impact its removal would have on the character and appearance of the surrounding area.
- 4.4.2 The Tree Consultant considers that alternative options, other than the removal of the tree, have not been considered. If a further application were to be submitted, consideration should be given to the possible use of a root barrier and lesser works such as a crown reduction.

#### 5. ANY RELEVANT SITE HISTORY

*(Only relevant history of the site will be referred to here.)*

- **18/00837/DD** - Oak tree on boundary of property and St Peters Hospital, dangerous branch needs to be removed from TPO 1/06 – Allow to proceed (12.07.2018).

#### 6. CONSULTATIONS AND REPRESENTATIONS RECEIVED

##### 6.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment   | Officer Response |
|-------------------------------|---|------------------|
| Maldon Town Council           | Recommends refusal:<br>The proposal is contrary to policies N1 and N2 of the LDP. | Comments noted.  |

##### 6.2 External Consultees *(summarised)*

| Name of External Consultee | Comment   | Officer Response |
|----------------------------|---|------------------|
| Tree Consultant            | The report from TMA is missing, so we are not able to fully assess this based on what was available to the arborist.<br><br>The tree report refers to roots being found by the foundation that emanate from an Oak. No root or soil analysis has been provided to confirm this.<br><br>The crack monitoring | Comments noted.  |

| Name of External Consultee | Comment   | Officer Response |
|----------------------------|---|------------------|
|                            | <p>shows a slight movement, which could be as a result of the natural dry conditions being experienced and not necessarily as direct impact of the tree. No continued monitoring data has been provided to suitably demonstrate the movement is seasonal and a likely result of the trees influence.</p> <p>The removal of the tree is preferred however this stems from a financial perspective.</p> <p>The engineer report is dated 19-10-2018 and does not provide justified evidence to implicate the tree, it is speculative.</p> <p>Drainage investigation found a displaced joint within bungalow. This is where the damage has been identified. It is feasible that this caused the ground to soften and the slight movement could be a result of this. Further information is required to determine if the damage is as a result of soil desiccation, with the tree being a significant contributory factor.</p> <p>No foundation details have been provided. It is possible that the foundations are not suitable to support the building in respect of the tree, therefore underpinning could be considered rather</p> |                  |

| Name of External Consultee | Comment   | Officer Response |
|----------------------------|---|------------------|
|                            | <p>than remove the tree and risk damage by heave to other properties and removing a landscape feature.</p> <p>Insufficient evidence has been provided to demonstrate that its removal is the only option, I do not consider removal of this tree has been suitably justified given the evidence provided at the time of the application. A Crown reduction and a root barrier could be a suitable compromise.</p> |                  |

### 6.3 Representations received from Interested Parties (*summarised*)

6.3.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment  | Officer Response   |
|--|--|
| There are four Oaks to the rear of these properties, over 60ft high and they appear to delineate the rear boundary.  | Comments noted.  |
| The owners of No.34 appear to want to extend their rear boundary and incorporate the adjacent tree into their land, which may encroach into St Peter's land. | Comments noted. The alteration of a boundary line is a civil matter. |
| The tree preservation order was put in place as severe works were proposed.  | Comments noted.  |

6.3.2 **One** letter was received **commenting** on the application and summarised as set out in the table below:

| Comment   | Officer Response |
|---|------------------|
| The tree is probably 200 years old and marks a boundary along St Peter's Hospital.                                | Comments noted.  |
| The tree is visible from the highway and forms part of the landscape. It would be disappointing if it was felled. | Comments noted.  |
| Appreciate the tree is large and may need works, a crown reduction is preferred.                                  | Comments noted.  |

**7. REASON FOR REFUSAL**

- 1 The Oak tree positively benefits the character and appearance of the area and provides significant amenity value. It is felt that insufficient evidence has been provided to demonstrate that the tree is definitely causing the harm to the dwelling. The submitted information also does not consider other works which may be undertaken in order to prevent damage to the dwelling and the loss of the TPO Oak tree. Therefore, it is not considered that satisfactory information has been submitted that would justify the loss of the tree. The removal of the Oak tree would be detrimentally harmful to the character and appearance of the area and therefore the proposed works are unacceptable.

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