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

11 February 2020

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 19 FEBRUARY 2020** 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 19 FEBRUARY 2020

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 22 January 2020, (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. **19/01225/FUL - The Old Cutting Rooms, Church Walk, Maldon** (Pages 13 - 26)

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

6. **19/01226/LBC - The Old Cutting Rooms, Church Walk, Maldon** (Pages 27 - 34)

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

7. **19/01274/FUL - Harbour House, 23 Chandlers Quay, Maldon** (Pages 35 - 44)

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

8. **TPO 13/19 - The Limes Guest House, Market Hill, Maldon** (Pages 45 - 50)

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

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

Reports for noting:

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

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. 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

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Health and Safety

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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
22 JANUARY 2020**

PRESENT

Chairman	Councillor M S Heard
Vice-Chairman	Councillor S P Nunn
Councillors	Miss A M Beale, M R Edwards, K M H Lagan, C Mayes, C Morris, N G F Shaughnessy and Mrs J C Stilts

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 C S Swain.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 December 2019 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor S P Nunn declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon, as he was acquainted with the applicant.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon as she had a telephone conversation with the applicant.

Councillor Mrs J C Stilts declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as she knew the applicant and frequented the restaurant.

Councillor K M H Lagan declared a non-pecuniary interest in both Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon as he had a conversation with the applicant and Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as he frequented the restaurant.

Councillor C Mayes declared a non-pecuniary interest in both Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon as she had a conversation with the applicant and Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as she was acquainted with the applicant.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as he had a conversation with the applicant regarding the procedures at planning committees.

Councillor C Morris declared a non-pecuniary interest in both Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon and Agenda Item 7- 19/01242/HOUSE - 56 Viking Road, Maldon as he knew both applicants.

Councillor M R Edwards declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as he frequented the restaurant.

5. 19/01204/FUL - LAND ADJACENT 53 ORCHARD ROAD, MALDON

Application Number	19/01204/FUL
Location	Land adjacent 53 Orchard Road Maldon
Proposal	Construction of a pair of semi-detached dwellings, off street parking provision and ancillary works
Applicant	Mr Tony Church
Agent	Mr Derek Lawrence - Lawrence Planning Limited
Target Decision Date	31.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call-in: Councillor C Mayes Reason: Policy D1, H1, H4, S1

At this point of the meeting Councillor MS Heard, the Chairman, declared a non-pecuniary interest in this item as he knew the agent.

Following the Officer's presentation, Mr Derek Lawrence, the Agent, addressed the Committee.

Councillor Morris opened the debate by stating that his opinion had not changed since the previous time this was before committee. He felt that in light of the need both locally and nationally for two bedroomed affordable housing properties, this should be agreed. He proposed that given this would help local people improve the area and add to the housing stock, the application be approved contrary to the Officer's recommendation.

The Lead specialist Place reminded the committee that when this had been before committee previously it had been refused. What the Committee had to determine was if the previous reasons for refusal had been overcome. He further advised that irrespective of the financial costs, this property did not constitute affordable housing.

At this point Councillor Nunn asked for clarity regarding 'Zones of Influence' and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The

Lead Specialist Place informed the Committee that approximately two years ago the Government introduced RAMS and that Maldon District Council (MDC) alongside other Essex authorities created a Supplementary Planning Document (SPD) that focuses on the mitigation that is necessary to protect the wildlife of the Essex Coast from the increased visitor pressure associated with new residential housing development built in the Zone of Influence (ZOI). As the district falls within a ZOI the Council had to consider and mitigate the harm its actions could result in and ensure it operated within an appropriate legal framework.

In response to other questions raised the Lead Specialist Place responded as follows:-

- that S106 payments were attached to the development and paid after planning permission was granted;
- that cycle bay capacity was included as the application had to be determined in line with current policy, and,
- that there were no material changes in this report hence the Officer's recommendation to refuse, as the previous reasons for refusal had still not been overcome.

The Chairman, referring to the earlier proposal to approve, seconded by Councillor Shaughnessy, asked Councillor Morris to outline the reasons for approval. Councillor Morris responded that the development was in character with the area and fulfilled the need for this type of housing stock, therefore should be approved.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation, to the Committee. Upon a vote being taken it was refused.

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

- 1 The development proposed is located within a visually prominent location and, as a result of the size and design of the dwellings proposed, would be visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.
- 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.

6. **19/01206/HOUSE - 7 VICTORIA ROAD, MALDON, ESSEX, CM9 5HE**

Application Number	19/01206/HOUSE
Location	7 Victoria Road, Maldon
Proposal	Replacement of existing timber windows with UPVC double glazed windows

Applicant	Mr Lonergan
Agent	Mr Lonergan - Paul Lonergan Architects
Target Decision Date	13.01.2020 - EOT requested for 23.01.2020
Case Officer	Hayleigh Parker-Haines
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Mayes Reason: Policies D1, D2, D3, S1, H4 of the Local Development Plan (LDP)

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

The debate was opened by Councillor Morris who felt that there were both economic and environmental benefits to the application, with no adverse impact on the street scene. He proposed that the application be approved contrary to the Officer's recommendation. This was duly seconded by Councillor Stilts

The Lead Specialist Place reminded the Committee that financial or environmental benefits were not material planning considerations and that this application was in a conservation area. Normally when Officers were considering an application it was based around looking for demonstrable harm, but in the case of conservation areas government legislation stated that authorities must preserve and enhance the area. This legislation was not just looking at the style of a building overall but drilled down to really small detail such as window style and materials, door handles etc. and how they effect and change the character of the area.

He further advised that just because there were odd examples of wrong materials already in use, did not mean that the Committee should automatically agree an application, it would most likely be overturned at appeal as it eroded the character of an area.

The Chairman put the proposal to approve the application contrary to the Officer's recommendation to the Committee. Upon a vote being taken it was refused.

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

1. The proposed development, due to the design and use of unsympathetic materials, would result in detrimental harm to the character and appearance of the building, the streetscene and the surrounding conservation area. The proposal would therefore be contrary to policies D1, D3 and H4 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework

7. 19/01242/HOUSE - 56 VIKING ROAD, MALDON, ESSEX, CM9 6JR

Application Number	19/01242/HOUSE
Location	56 Viking Road, Maldon
Proposal	First floor extension and alterations.
Applicant	Mr Jalal Uddin
Agent	Mr Mark Crocker

Target Decision Date	24.01.2019
Case Officer	Louise Staplehurst
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In by Councillor C Mayes Reason: Policies D1 and H4 of the Local Development Plan (LDP).

Following the Officer's presentation Miss Sue Seabrook, an Objector and Mr Jalal Uddin, the Applicant addressed the Committee.

Cllr Shaughnessy opened the discussion by commenting that no effort had been made to overcome the design concerns raised in the previously refused application. Furthermore, the proposed side and rear extension would result in a detrimental impact on the residential amenity of the neighbour to the east, No.54 Viking Road.

Councillor Mayes echoed these concerns, particularly the adverse impact on neighbour amenity. Councillor Morris, acknowledging the concerns, proposed that a site visit be arranged, and this was seconded by Councillor Stilts.

The Chairman, noting the request from the Objector for a site visit and the difficulty in assessing the application from the existing supporting materials, put the proposal for a site visit to the committee. Upon a vote being taken and there being an equality of votes, the Chairman exercised his casting vote and it was agreed to undertake a site visit and that the application be deferred to a future committee.

The Lead Specialist Place reminded the Committee that the site visit would form part of the formal committee decision-making process. He advised that, by law, a Member had to be involved in the entire decision-making process, therefore, those councillors not present today and those unable to attend the site visit would not be able to debate or vote on the application at the next committee.

RESOLVED that the application be **DEFERRED** to a future committee in order to undertake a site visit.

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

M S HEARD
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

Application Number	19/01225/FUL
Location	The Old Cutting Rooms Church Walk Maldon
Proposal	Conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes.
Applicant	Mr Mark Salisbury – Bright Ideas
Agent	Mr Ashley Robinson – A R Property Designs
Target Decision Date	31.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy reason: D1 (3), H4, SDP

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The map shows the Maldon area in Essex, with the River Sever flowing through it. Key features include:

- Streets:** Silver Street, Church Walk, and others.
- Landmarks:** The Church, The Hall, The New Stables, The Old House, and others.
- Highlighted Area:** A red hatched area is shown, likely indicating a specific site of interest.
- Scale:** A scale bar at the bottom right indicates distances in meters (0, 0.025, 0.05, 0.075, 0.1).

Agenda Item no. **5**

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located on the northern side of the High Street within a predominantly commercial area. The property faces All Saints Church to the west and there is understood to be access to the site from the rear via Bull Lane but for limited purposes. Along the majority of the eastern boundary of the site is land which appears to be in use as residential garden associated with a neighbouring property.
- 3.1.2 The site is located within the Maldon Conservation Area and within the area covered by the Maldon and Heybridge Central Area Masterplan. The property is also a Grade II listed building. Therefore, in addition to needing planning permission for the conversion proposed, listed building consent would be required for works to the building to facilitate the new use (which are subject to application reference 19/01226/LBC).
- 3.1.3 The building is currently vacant but, it is understood that the ground floor of the building was last used as a hairdresser and that the first floor was used as offices unrelated to the hairdressing use at ground floor level.
- 3.1.4 The proposal is part conversion of the commercial premises (stated as extending to 191.9sq.m.) to 1no. live/work unit and 2no. self-contained maisonettes. The residential units would all have one double bedroom each and the commercial floorspace would extend to 27.8sq.m. As part of the application it is not stated what the nature of the commercial use proposed would be but the application form submitted suggests that this would be Class A1 retail use.
- 3.1.5 The works required to the building would be largely internal and include the removal of existing partitions, the blocking of existing doorways and new partitions. Bathrooms and kitchens will also need to be installed. Externally, the alterations would be limited to a new doorway on the eastern elevation and alterations to some external doors and windows. There would be no provision of private amenity space or off-street parking for the occupiers of the proposed residences. Pedestrian access to Units A and B would be accessed off Church Walk. Unit C would be accessed via Bull Lane.
- 3.1.6 The application is accompanied by a 'Design and Access Statement Incorporating General Heritage Asset Statement'.

3.2 Conclusion

- 3.2.1 The proposal would not be acceptable in principle as it would result in the unjustified loss of retail and employment floorspace in the town centre. However, no objections are raised with respect to the impact of the development on the character and appearance of the Conservation Area, the historic character and integrity of the listed building, the amenity of the occupiers of neighbouring dwellings, the quality of life for the occupiers of the proposed dwellings, highway safety/car parking and nature conservation.

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
- 80-82 Building a strong, competitive economy
- 85-90 Ensuring the vitality of town centres
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- 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
- E1 Employment
- E2 Retail Provision
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

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

5. MAIN CONSIDERATIONS

5.1 The main issues which would require consideration as part of determination of this application are the principle of the development, the impact on the character and appearance of the Conservation Area, the impact of the works required on the historic character and integrity of the listed building, any impact on the amenity of the occupiers of neighbouring dwellings, the quality of life for the occupiers of the proposed dwellings and highway safety/car parking. The impact of the development on nature conservation would also require consideration.

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 and 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 Policy E1 of the local plan states that development which would cause the loss of an employment site will not be permitted unless:

1. The present use and activity on site significantly harms the character and amenity of the adjacent area; or
2. The site would have a greater benefit to the local community if an alternative use were permitted; or
3. The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.

5.2.4 There are a mix of uses within the town centre area and, therefore, the principle of the mix of commercial and residential development proposed is not unacceptable in principle, subject to an assessment of the proposal as set out below. However, the development proposed would result in the loss of retail floorspace which is of concern as this could have a negative impact on the vitality and viability of the town centre given the location of the site in the heart of the town retail centre (Policy E2) and the proposal would also result in the loss of the employment floorspace within the first-floor offices (Policy E1).

- 5.2.5 The proposal does not result in the entire loss of the existing commercial uses as a live/work unit is proposed and it is acknowledged that residential use can be an acceptable use within the town centre. However, there is no evidence that sufficient efforts have been made to market the site or that the current use is no longer required which is a requirement of the Council's adopted Policy.
- 5.2.6 No information or justification has been submitted for the proposed loss of the existing commercial floorspace (163.6sq.m.) and only around 28sq.m. of commercial floorspace would be retained. The commercial floor space which would remain would be small in nature and concerns are raised in relation to the likelihood of this being a useable and commercially viable unit. Therefore, it cannot be concluded that the loss of retail floorspace which would result would not be harmful to the retail function of Maldon Town Centre and that the loss of the employment floorspace would not have a detrimental economic impact. It is recommended below that planning permission is refused for this reason.
- 5.2.7 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 one-bedroom flats proposed would contribute positively to the identified housing need and be responsive to local circumstances.

5.3 Design and Impact on the Character of the Area

- 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 Local Development Plan (LDP) seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;

- Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.3.7 The Conservation Officer has provided the following specialist advice with respect to the development proposed:

This is a grade II listed building in the Maldon Conservation Area. It adjoins the eastern side the churchyard to All Saints' Church (which is a grade I listed building). It is a long 1 ½ storey range with (mainly) rendered walls and a gambrel roof clad in clay tiles. It is primarily of two phases; the timber-framed southern end which dates from the late-18th or early-19th century, and the rendered brick northern end which dates from the early-20th century. While from the outside the building is domestic in character, neither part appears to have been built for residential use. There is no evidence for original fireplaces, and the earlier part had no windows looking onto All Saint's Churchyard. It is possible that the Georgian timber-framed range may have been built as stables. The first-floor structure of this part of the building is supported by a very large pine spine beam, suggesting that the upper floor may have been intended to store considerable weight. The primary architectural features of interest are the Georgian timber-framed structure and a Georgian ground-floor window on

the east elevation. The whole building is an attractive example of Vernacular architecture, making an important contribution to a very attractive part of the Maldon Conservation Area.

I raise no objection to the change of use to part residential and part 'live-work'. The range already has the appearance of a typical row of Georgian cottages. The submitted drawings indicate no loss of valuable historic structure or character. The reinstatement of missing sections of lead-glazing would achieve a modest improvement.

I advise that this proposal will cause no harm to the significance of the listed building or that of the conservation area. It is therefore compliant with the policies set out in Chapter 16 of the NPPF, Policy D3 of the Maldon LDP and the requirements of section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For these reasons, I raise no objection to these applications subject to the following condition being attached to the listed building consent:

- Large-scale drawings of new external doors - illustrating elevations at 1:20 and section details at 1:2 - shall be submitted for approval prior to their installation.

- 5.3.8 Based on this advice and as the development would result in minimal alterations to the external appearance of the building, it is concluded that the proposal would not have an adverse impact on the character or appearance of the existing building, which is a listed building, or the surrounding area, which is a Conservation Area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 There would be limited external changes to the building but converting the building from commercial uses to residential uses could provide opportunities for material levels of overlooking of the adjacent residential garden area which adjoins the eastern elevation of the building. A degree of overlooking currently exists from the existing commercial use of the building but a residential use would materially increase the level of overlooking and associated loss of privacy for the neighbouring occupiers.
- 5.4.3 Reference is made in the application to a proposal to obscure the first floor bathroom windows on the eastern elevation with film or frosted spray. However, views of the neighbouring amenity area could be gained from nearly all of the windows on the eastern elevation of the building, even the ground floor windows as they are located on the boundary of the site. Therefore, it is considered that all the windows which adjoin the neighbour's amenity area would need to be obscure glazed and fixed closed below eye level to ensure that harm would not be caused. The addition of a film or frosted spray would not normally be considered to be sufficient to ensure that overlooking is prevented in perpetuity. However, the details of measures which could

be used to reduce the level of overlooking satisfactorily could be required and secured by condition if planning permission were to be granted.

- 5.4.4 Based on the above, no objections are raised with respect to the impact of the proposal on the residential amenity of neighbouring occupiers.

5.5 Quality of Life for the Occupiers of the Proposed Residences

- 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed residential units proposed are stated as being 34.9sq.m (Unit A), 59.5sq.m (Unit B) and 56.8sq.m (Unit C).
- 5.5.3 The occupiers of the proposed dwellings would not have access to any external amenity space. This matter would weigh against granting planning permission for the dwellings proposed which would reduce the quality of life for the occupiers of the proposed dwellings. However, the dwellings would only have one bedroom each, the site is within the town centre and there are areas of public open space within a short walk of the site. Therefore, it is not considered that this matter would justify a refusal of planning permission.
- 5.5.4 The floorspace for Units B and C is considered sufficient for one bedroom, two storey dwellings. However, at 34.9sq.m., the floorspace of Unit A would be small for a two person, one bedroom flat. However, all habitable rooms would have access to external light, ventilation and outlook and this local planning authority has not adopted the National Space Standards or other policies or design guidance which would justify a refusal of planning permission on the basis of the limited floorspace of this flat proposed.
- 5.5.5 Each unit would be provided with a bin store. A store for Unit C would be created within the unit adjacent to the front door. The submitted drawings suggest that a bin store would be provided for Units A and B within the right of way to the building from Church Walk. Details of this external bin store have not been provided but could be required by condition if planning permission were to be granted.
- 5.5.6 Based on the above, no objections are raised to the proposed on the basis of the quality of life for the occupiers of the residential units proposed.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, 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.

- 5.6.2 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.
- 5.6.3 Even though the site is located within the town centre, it would be expected that off-street parking would be provided to serve the development. The off-street parking requirement for a one-bedroom flat would be a minimum of one parking space but the adopted parking standards does not require the provision of off-street parking for retail uses in the town centre. The lack of adequate provision of off-street parking for the residential use proposed weighs against the application being recommended for approval. However, only three small residential units are proposed, and the site is within the town centre (which would mean that the site is accessible by means other than the private car). Furthermore, the occupiers of one of the units (the live/work unit) would have less of a need to own their own vehicle. Details of provision for cycle storage have been provided in the form of a single cycle storage space within each unit proposed.
- 5.6.4 A recent appeal relating to 197-199 High Street, Maldon (reference 18/01320/FUL) was partly dismissed due to the lack of off-street parking provision. However, it is considered that the current scheme differs from that the subject of the appeal as it is for less units (three rather than five) and is located within the core of the Maldon town centre.
- 5.6.5 Based on the above, it is concluded that a refusal of planning permission due to the lack of off-street parking provision could not be sustained. One of the objectors to the proposal raises the concern that the proposal would result in an increase of unauthorised parking within Bull Lane but, as Bull Lane is a private road, this would be a civil matter which would need to be resolved privately between the relevant parties and would not be justifiable reason for refusal.

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 In terms of off-site impacts, 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 Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.6 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.
- 5.7.7 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.
- 5.7.8 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 an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.9 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.

- 5.7.10 To accord with Natural England’s requirements, an 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 without mitigation and that, therefore, a financial contribution is necessary, in this case.

- 5.7.11 The applicant has submitted a signed Unilateral Undertaking to secure this payment. Provided that this document is found to be sound, it is not recommended below that planning permission is refused for this reason.

6. ANY RELEVANT SITE HISTORY

- **19/01226/LBC** – Works required as part conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes – undetermined.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal due to the harm caused by the loss of a commercial asset in the town. No amenity space would be provided as part of the development which would be materially harmful to the amenity of future occupiers contrary to policies D1 & H4 of the Maldon District Local Development Plan. There is no parking provided and due to the very	Noted – refer to sections 5.2, 5.5 and 5.6 of report

Name of Parish / Town Council	Comment	Officer Response
	limited access to the property.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection in principle to the proposed development but conditions (details of foul drainage to be submitted, the live/work unit being occupied only as a single unit for residential/ employment purposes and only for Class B1(a) or (b) uses) and informatives recommended.	Noted – consideration would be given to the imposition of these conditions if planning permission were to be granted
Conservation Officer	No objections subject to the imposition of a condition requiring further details to be submitted.	Noted – refer to section 5.3 of report

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Would encourage more unauthorised parking in Bull Lane which is an already congested private road	This is a civil matter which would need to be resolved privately between the relevant parties. Parking provision is covered in section 5.6 of the report.
Would be precarious emptying the bins in the bin store as located in front of a parking space for the owner of ‘Spindles’	This is not a material planning consideration.
Only one bin store proposed which will result in waste being left on others’ land causing health risks and hazards.	Bin storage is discussed in section 5.5 of report

8. REASON FOR REFUSAL

1. The proposed residential development would result in the partial loss of employment and retail uses. Insufficient justification or evidence has been provided to demonstrate that the present use and activity significantly harms the character and amenity of the adjacent area, the proposed use would be of greater benefit to the local community or that the continuous use of the site for employment purposes is no longer viable. The development would therefore have an adverse impact on the limited supply of employment generating land. Insufficient justification or evidence has also been provided for the local planning authority to be able to conclude that the loss of retail floorspace which would result from the development would not be harmful to the vitality and viability of the retail function of Maldon Town Centre. The development is, therefore, contrary to policies E1 and E2 of the Maldon District Approved Local Development Plan, and the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

Application Number	19/01226/LBC
Location	The Old Cutting Rooms Church Walk Maldon
Proposal	Works required as part conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes.
Applicant	Mr Mark Salisbury – Bright Ideas
Agent	Mr Ashley Robinson – A R Property Designs
Target Decision Date	31.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy reason: D1 (3), H4, SDP

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

This is a detailed historical map of the Maldon area. The map shows a network of streets and numerous buildings, many of which are color-coded in pink. Key landmarks and buildings are labeled, including 'Maldon' at the top, 'The New Stables' on the right, 'The Farmhouse' in the center, 'All Saints Church' on the left, and 'The Old House' at the bottom. A scale bar at the bottom right indicates distances from 0 to 0.02 miles. The map also shows various smaller buildings and structures, some of which are numbered. The overall layout suggests a dense urban or semi-urban environment with a mix of residential and commercial buildings.

Agenda Item no. **6**

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located on the northern side of the High Street within a predominantly commercial area. The property faces All Saints Church to the west and there is understood to be access to the site from the rear via Bull Lane but for limited purposes. Along the majority of the eastern boundary of the site is land which appears to be in use as residential garden associated with a neighbouring property.
- 3.1.2 The site is located within the Maldon Conservation Area and within the area covered by the Maldon and Heybridge Central Area Masterplan. The property is also a Grade II listed building.
- 3.1.3 The building is currently vacant but, it is understood that the ground floor of the building was last used as a hairdresser and that the first floor was used as offices unrelated to the hairdressing use at ground floor level.
- 3.1.4 The proposal is for works to the building associated with the proposed part conversion of the commercial premises (stated as extending to 191.9sq.m.) to 1no. live/work unit and 2no. self-contained maisonettes (which is the subject of planning application reference 19/01225/FUL).
- 3.1.5 The works required to the building would be largely internal and include the removal of existing partitions, the blocking of existing doorways and new partitions. Bathrooms and kitchens will also need to be installed. Externally, the alterations would be limited to a new doorway on the eastern elevation and alterations to some external doors and windows.
- 3.1.6 The application is accompanied by a 'Design and Access Statement Incorporating General Heritage Asset Statement'.

3.2 Conclusion

- 3.2.1 The proposal would not harm the historic character and integrity of the listed building, subject to the imposition of conditions.

4. MAIN RELEVANT POLICIES

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

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
- 117-118 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
- S5 Maldon and Heybridge Central Area
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

- 5.1 The main issue which would require consideration as part of any application for listed building consent for the works to the building required to accommodate the uses proposed would be the impact of the works on the historic character and architectural appearance of the historic building.

5.2 Impact on the Listed Building

- 5.2.1 The NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.2.2 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

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

- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.4 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. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.6 The Conservation Officer has provided the following specialist advice with respect to the development proposed:

This is a grade II listed building in the Maldon Conservation Area. It adjoins the eastern side the churchyard to All Saints' Church (which is a grade I listed building). It is a long 1 ½ storey range with (mainly) rendered walls and a gambrel roof clad in clay tiles. It is primarily of two phases; the timber-framed southern end which dates from the late-18th or early-19th century, and the rendered brick northern end which dates from the early-20th century. While from the outside the building is domestic in character, neither part appears to have been built for residential use. There is no evidence for original fireplaces, and the earlier part had no windows looking onto All Saint's Churchyard. It is possible that the Georgian timber-framed range may have been built as stables. The first-floor structure of this part of the building is supported by a very large pine spine beam, suggesting that the upper floor may have been intended to store considerable weight. The primary architectural features of interest are the Georgian timber-framed structure and a Georgian ground-floor window on the east elevation. The whole building is an attractive example of Vernacular architecture, making an important contribution to a very attractive part of the Maldon Conservation Area.

I raise no objection to the change of use to part residential and part 'live-work'. The range already has the appearance of a typical row of Georgian cottages. The submitted drawings indicate no loss of valuable historic structure or character. The reinstatement of missing sections of lead-glazing would achieve a modest improvement.

I advise that this proposal will cause no harm to the significance of the listed building or that of the conservation area. It is therefore compliant with the policies set out in Chapter 16 of the NPPF, Policy D3 of the Maldon LDP and the requirements of section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For these reasons, I raise no objection to these applications subject to the following condition being attached to the listed building consent:

- *Large-scale drawings of new external doors - illustrating elevations at 1:20 and section details at 1:2 - shall be submitted for approval prior to their installation.*

5.2.7 Based on this advice and as the development would result in limited physical alterations to the building, it is concluded that the proposal would not have an adverse impact on the historic character and architectural appearance of the historic building.

6. ANY RELEVANT SITE HISTORY

- **19/01225/FUL**– Conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes – undetermined.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal due to the harm caused by the loss of a commercial asset in the town. No amenity space would be provided as part of the development which would be materially harmful to the amenity of future occupiers contrary to policies D1 & H4 of the Maldon District Local Development Plan. There is no parking provided and due to the very limited access to the property.	Noted but these are not relevant consideration to the determination of an application for listed building consent.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objections subject to the imposition of a condition requiring further details to be	Noted – refer to section 5.3 of report

Name of Internal Consultee	Comment	Officer Response
	submitted.	

7.3 Representations received from Interested Parties

7.3.1 No letters of representation were received.

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 01 rev.A, 02, 03
REASON To ensure that the development is carried out in accordance with the details as approved.
3. No development shall take place until large-scale drawings of all new external doors – illustrating elevations at 1:20 and section details at 1:2 - have been submitted to the Local Planning Authority for approval in writing. All external joinery shall be of painted timber only. The development shall be carried out in accordance with the approved materials.
REASON In the interest of the character and appearance of the listed buildings and their setting

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

Application Number	19/01274/FUL
Location	Harbour House, 23 Chandlers Quay, Maldon
Proposal	Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall
Applicant	Mr & Mrs Lawson
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	30.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy Reason: D1; H4, D3

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Harbour House 23 Chandlers Quay Maldon
19/01274/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2016</p>	Scale:	1:625
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	20/01/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located within the Maldon Conservation Area. The building the subject of this application is relatively modern but of a traditional style recognised in the Maldon District Conservation Area Review as making a 'positive/neutral' contribution to the Conservation Area.
- 3.1.2 The property is adjacent to the foreshore which forms part of Chandlers Quay off The Fullbridge. The property was a vacant office building with a ground floor entrance on the quay side and is in the process of being converted into a two-bedroom dwelling (reference 18/01326/FUL). Vehicular access to the site is off Fullbridge via the private access road which is Chandlers Quay. A public footpath runs along Chandlers Quay along the southern elevation of the building.
- 3.1.3 The site is within the Maldon and Heybridge Central Area and is covered by the Maldon and Heybridge Central Area Masterplan. The Blackwater Estuary is located immediately to the east of the site.
- 3.1.4 With reference to the Environment Agency's flood risk maps, it would appear that the majority of the site is located within flood risk Zone 3 (high risk). However, the Environment Agency has advised (in response to previous application reference 19/00606/FUL) that they are satisfied that the application site is not located within Flood Zone 3.
- 3.1.5 The current application seeks a variation of condition 2 (approved plans) of approved planning application 18/01326/FUL (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall.
- 3.1.6 Condition 2 requires the following: The development hereby permitted shall be carried out in accordance with the following approved plans and documents: drawings (received on 03/01/2019) 01, 02, 03, 04, 05 REASON To ensure that the development is carried out in accordance with the details as approved.
- 3.1.7 The applicant wishes to add metal fencing to the rear of the building (to enclose space for the storage of bins and bicycles), external stone steps to the curved end of the building and metal fencing to the curved end of the building and front amenity space areas. The fencing would match the existing fencing.
- 3.1.8 The application has been submitted following the refusal of planning permission (reference 19/00997/FUL) for the 'Variation of condition 2 on approved planning permission 18/01326/FUL (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall'. Planning permission was refused for the following reasons:

- 1 The proposed two-bedroom dwelling would not be provided with private amenity space of sufficient quantity and quality. Therefore, the development would not provide an adequate quality of life for the occupiers of the proposed dwelling, contrary to Policy D1 of the Maldon District Approved Local Development Plan, the Maldon District Design Guide and the NPPF.
- 2 The lack of car parking proposed on site would fail to accommodate the demand for parking generated by the proposed use of the site which in turn will lead to cars parking within adjoining streets causing conditions of obstruction, congestion and inconvenience to other road users, failing to accord with policies D1 and T2 of the Maldon District Approved Local Development Plan.

The drawings submitted with the current application include two parking spaces measuring the required 2.9m x 5.5m within the site but the amenity space provision remains unchanged.

3.2 Conclusion

- 3.2.1 The proposal would not provide an adequate quality of life for the occupiers of the proposed dwelling. A refusal of planning permission is recommended on this basis.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 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 The 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
- D5 Flood Risk
- E1 Employment
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity

- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon and Heybridge Central Area Master Plan
- 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 impact of the proposal on the character and appearance of the area, which is a Conservation Area, the impact on the quality of life for the occupiers of the proposed dwelling, the provision of parking and any impact on the occupiers of local residences. The proposed variation of the condition does not have any implications for nature conservation or flood risk.

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 any local design standards or style guides in plans or supplementary planning documents”.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;

- c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 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.
- 5.2.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.7 The Conservation Officer has not commented on the current application but, in response to the previous application (reference 19/00997/FUL) which was for the same development, the following specialist advice was provided:-
- This property is part of a development completed around 2003, known as Chandlers Quay. It is constructed in a traditional style deploying an interesting mixture of forms and materials (notably brick and weatherboard). It has a distinctive hexagonal tower at the eastern end of the building with a turret. The Maldon District Conservation Area Review identifies the building as making a 'positive/neutral' contribution to the conservation area.*
- The proposed railings would reflect the style of the railings along the southern elevation. The proposed railings and steps would not in my judgement result in harm to the character of the conservation area. The proposal would not therefore conflict with policy D3 of the Maldon LDP, Chapter 16 of the NPPF or the requirements of section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.*
- 5.2.8 The proposed railings would match and so be in-keeping with those which exist in the vicinity of the site and planning permission has already been granted for railings along part of the rear elevation of the dwelling (reference 19/00761/FUL). Whilst it is understood that the enclosure proposed to the rear of the building would be partly used for the storage of bicycles and bins which could be unattractive, it is not considered that this would have a materially adverse impact on the character and appearance of the area provided that further details of the exact location and appearance of the storage facilities are required by condition. Whilst not mentioned as part of the application, the submitted drawings include a revised design of the

enclosure of the first-floor balcony approved as part of application reference 18/01326/FUL. However, no objection is raised to this revised design. Based on this and the Conservation Officer's advice, it is considered that the amendments to the approved scheme would not have an adverse impact on the character or appearance of the area, which is a Conservation Area. Therefore, the proposal would not be contrary to Policies D1, D3 and H4 of the MDLDP and the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 It is considered that the proposed amendments to the approved development would have no adverse impact on the amenity of the occupiers of any neighbouring residential property due to the nature and extent of the changes proposed.

5.4 Quality of Life for Occupiers of the Proposed Dwelling

- 5.4.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.4.2 In dismissing the 2018 appeal, the Inspector considered that the proposal would not make adequate provision for private amenity space for the family sized, four-bedroom dwelling proposed. An amenity area of just over 44sq.m. was proposed at the front of the property, enclosed by a low brick wall. The Inspector commented that this *'space is proposed to incorporate bicycle stands and would be capable of accommodating a small table and chairs, but would not be private as it would be overlooked by people passing by.'* A further narrow strip of 1.5m in width was considered to have *'limited practical amenity value for residents and would also be overlooked from the adjacent highway and surrounding residential properties.'* The balcony proposed at first floor level at that time was not considered to be acceptable means of providing the required amenity space as it would not have preserved the character and appearance of the Maldon Conservation Area.
- 5.4.3 The dwelling which has been approved (18/01325/FUL) would have two rather than four bedrooms. A study was included on the previously submitted drawings at lower ground floor level (19/00997/FUL) which could have been used as a third bedroom. However, the use of this room has not been indicated as part of the current application and, in any event, the use of any part of this floor for anything other than non-habitable accommodation is not permitted as a result of conditions attached to previous planning permissions. Therefore, the level of amenity space proposed has been assessed against the standards recommended for two-bedroom dwellings. The MDDG recommends the provision of a minimum of 50sq.m. for two bedroom dwellings. The amenity space proposed as part of the current proposal would consist of:

- an undercover terrace partly glazed screened area of 20sq.m.
- a strip of land, between 1.5m and 2m in depth, around the external elevations of the building amounting to 49sq.m. enclosed by a 1m high metal railings

5.4.4 The originally approved scheme (18/01326/FUL) included an amenity room at lower ground floor level with bi-fold doors creating 10.7sq.m., an undercover terrace partly glazed screened area of 17.7sq.m. and external amenity spaces 19.5sq.m. and 10.5sq.m. It was acknowledged as part of the assessment of that scheme, that the 'internal' amenity space proposed was not ideal and that the majority of the external amenity space would not be private. However, given the urban location of the site, as only a two-bedroom dwelling was proposed and due to the site's proximity to public areas of open space, it was considered that the lack of private external amenity space would not result in an inadequate quality of life for the occupiers of the dwelling proposed. A condition was imposed to require that the amenity areas were enclosed as approved, in perpetuity.

5.4.5 However, whilst more than 50sq.m. of amenity space would be provided, as a result of the amendments now proposed, none of the external amenity space would be private and would be of limited quality as a result of its width and the location of significant proportion of the space abutting a highway (Chandlers Quay). As a result, the quality of life for the occupiers of the proposed dwellinghouse would be below an acceptable level. It is recommended below that permission is refused for this reason.

5.5 Other Material Considerations

5.5.1 The submitted drawings include a revised lower ground floor layout which includes a room originally approved as an 'amenity room' (10.7sq.m.) as an internal room. The revised proposal, therefore, also does not comply with the requirements of condition 6 of permission references 18/01326/FUL, 19/00606/FUL and 19/00761/FUL part of which require that the means of enclosure of the amenity areas shown on the approved drawings are provided as approved prior to the occupation of the dwellinghouse and retained for their designated uses in perpetuity.

5.5.2 The current application does not seek to vary any of these conditions. Therefore, even if the current application were approved, the requirements of these conditions would endure. It is recommended below that informatives are added to the decision issued advising the applicant accordingly.

5.5.3 The previously proposed scheme (reference 19/00997/FUL) was partly refused as the proposal did not include any provision for off-street parking which did not comply with the adopted standard for two-bedroom dwellings which is a minimum of two off-street parking spaces per dwelling. However, the drawings submitted with the current application include two parking spaces measuring the required 2.9m x 5.5m within the site. Therefore, this previous reason for refusal has been addressed.

6. ANY RELEVANT SITE HISTORY

- **19/00997/FUL** - Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall - Refused 26.11.2019

- **19/00761/FUL** - Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) Variation sought: new metal fencing to match other properties on Chandlers Quay, new rear door and step access to outdoor amenity storage area within fenced enclosure. Approved 19.09.2019
- **19/00697/FUL** - Variation of condition 2 (approved drawings) and condition 10 (only non-habitable accommodation at lower ground floor level) of planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to add balconies at first and second floor levels and provide habitable accommodation at lower ground floor level. Refused 20.08.2019
- **19/00606/FUL** - Removal of conditions 7 (Flood Warning and Evacuation Plan) and 8 (flood resistance/resilience measures) on approved planning application FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays). Approved 15.07.2019
- **19/05068/DET** - Compliance with conditions notification of approved application FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) Condition 8 - Flood resilience/resistance measures. Approved 20.06.2019
- **18/01326/FUL** - Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays. Approved 08.01.2019
- **17/00678/FUL** - Proposed conversion of No.23 Chandlers Quay from office to residential. Balcony details, amenity space defined. Appeal dismissed 05.07.2018
- **17/00272/FUL** - Proposed conversion of No.23 Chandlers Quay from office to residential. New front entrance, pod canopy and access stairway. Minor fenestration alterations, new amenity balcony to South elevation. Refused 16.05.2017
- **08/00665/FUL** - Conversion of 2 No. parking bays into office reception area. Approved 22.07.2008
- **05/00123/FUL** - Non compliance with Condition No. 7 imposed upon planning permission FUL/MAL/99/0968 in respect of the use of the premises at number 23 (Unit B3) for purposes associated with the waterside. Approved 01.04.2005
- **99/00968/FUL** - Proposed office and workshop accommodation for existing riverside activities and 7 no. 2/3 bedroom apartments (East West Moorings) Blocks B1, B2, B3 Chandlers Quay. Approved 09.03.2000

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval, subject to the views of the Conservation Officer and the Highways Authority.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No response	

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed two-bedroom dwelling would not be provided with private amenity space of sufficient quality. Therefore, the development would not provide an adequate quality of life for the occupiers of the proposed dwelling, contrary to Policy D1 of the Maldon District Approved Local Development Plan, the Maldon District Design Guide and the NPPF.

INFORMATIVE

The drawings submitted as part of the current application include an internal room on the 'Proposed Ground Floor Plan' which was originally approved as an 'amenity room'. Part of condition 6 of planning permission references 18/01326/FUL, 19/00606/FUL and 19/00761/FUL requires that the means of enclosure of the amenity areas shown on the approved drawings are provided as approved prior to the occupation of the dwellinghouse and retained for their designated uses in perpetuity. If the approved 'amenity room' is to be used and enclosed as indicated on the drawings submitted with the current application, it would be necessary for planning permission to remove these conditions or vary their wording accordingly to first be gained.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

Application Number	TPO 13/19
Location	The Limes Guest House, Market Hill, Maldon
Proposal	Confirmation of TPO 13/19
Owners	Mr Mann
Confirmation by	13.06.2020
Case Officer	Hayleigh Parker-Haines
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. **RECOMMENDATION**

CONFIRM Tree Preservation Order (TPO) 13/19 without any modifications.

2. **SITE MAP**

Please see overleaf.

Tree Preservation Order		Details
TPO 13/19 The Limes Guest House, Market Hill		T1 - Sycamore
Copyright <small>For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</small>		Scale: 1:758 Organisation: Maldon District Council Department: Department Comments: Date: 11/12/2019 MSA Number: 100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 In October 2019 the Council received a notification under the terms of section 211 of the Town and Country Planning Act 1990, to undertake works to a tree within a Conservation Area. The notification proposed to fell the Sycamore Tree growing in the car park of The Limes, 21 Market Hill on the boundary with Hill House Park. The proposed removal of the tree was considered to materially impact on the amenity of the area. Therefore, a TEMPO assessment, which is a professionally and nationally accepted system of scoring the amenity value of a tree, was carried out and it concluded that the tree was worthy of a Tree Preservation Order (TPO). Therefore, a TPO was served on 13 December 2019.

3.1.2 One letter of objection has been received relating to the serving of TPO 13/19; in relation to the Sycamore tree being retained is preventing the rebuild of the boundary wall of the site and that this is preventing some neighbouring properties from using parts of their garden and Health and Safety grounds that if the tree should fall, due to the close proximity with neighbouring properties this could cause damage and/or injury. These objections remain unresolved; therefore, the question of whether or not to confirm the TPO has been brought before members to determine.

3.2 The Site

3.2.1 The Sycamore tree is located to the north of The Limes Guest House and to the south of Hill Park House, on the boundary between the two sites. The Sycamore tree is a prominent feature that can be seen from both Market Hill and Cromwell Lane and is partially visible from Cromwell Hill. The Sycamore tree is therefore considered to be an important landscape feature, which significantly contributes towards the amenity of the streetscene and Conservation Area.

3.3 Ownership

3.3.1 The Sycamore is owned and managed by Mr Mann.

4. MAIN RELEVANT POLICIES

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

4.1 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)

4.2 Government Guidelines:

4.2.1 Government guidelines advise that: the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

4.2.2 If Members decide to Confirm TPO 13/19, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. that the TPO is not within the powers of the Act, or
 2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.2.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

5. MAIN CONSIDERATIONS

- 5.1 The Sycamore tree is located to the north of The Limes Guest House and to the south of Hill Park House, on the boundary between the two sites. It is a prominent feature of the landscape of the area and is considered to have high amenity value as it is highly visible from the public realm, from both Market Hill and Cromwell Lane and is partially visible from Cromwell Hill. The Sycamore tree due to its height, position and health is considered to be an attractive feature of the area.
- 5.2 It is noted that the tree is in close proximity with the boundary/retaining wall which is listed as it pre-dates 1948. Planning Permission and Listed Building consent (19/00024/FUL and 19/00025/LBC) have been granted (subject to suitable tree protection methods being in place) to allow part of this wall to be re-built as it has collapsed. As part of the Section 211 notice an arboricultural report was provided which stated that if the drain and kerb edging as part of the proposed works granted under (19/00024/FUL and 19/00025/LBC) were installed then it would not be feasible to retain the tree without detrimentally impacting on it. However, the report does not justify why the Sycamore tree must be removed and provided no arboricultural reason for the felling of this significant tree.
- 5.3 In the interest of protecting this prominent landscape feature and the amenity value of the tree within the locality, the tree was assessed using the Tree Evaluation Method for Preservation Orders (TEMPO) which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. The Sycamore tree scored an overall total 15 out of 25 which means that the serving of a TPO on this tree was defensible, a score of 16 would equate to the tree definitely meriting a TPO under the TEMPO assessment guidance.
- 5.4 It should be noted that the TPO would not prevent works to the tree from being carried out, however it would control any works to ensure that they were suitable, justified and did not harm the health of the tree or the amenity value the tree offers to the surrounding area. Furthermore, TPO's can serve as a useful control by securing and protecting replacement planting, this is not an option under a Section 211 notification. It is considered relevant to note that whilst no suitable arboricultural justification to justify the removal of this tree has been provided to date, this is not to say that in the near future this would not be able to be provided, subsequently without the TPO, the LPA would be unable to secure the replacement of this important landscape feature.

6. ANY RELEVANT SITE HISTORY

- **19/00024/FUL** - Re-build a part collapsed boundary/retaining wall with a reinforced concrete retaining wall cladded with brickwork, with piers and brick on edge coping – Approved – 8th March 2019
- **19/00025/LBC** - Re-build a part collapsed boundary wall with a reinforced concrete retaining wall cladded with brickwork, with piers and brick on edge coping – Grant Listed Building Consent – 8th March 2019
- **19/00593/FUL** - Re-build a part collapsed boundary/retaining wall with a reinforced concrete retaining wall cladded with brickwork, with piers and brick on edge coping, and associated works. Remove Sycamore tree and replace within The Limes Guest House site. – Refused – 29th July 2019
- **19/01116/TCA** - T1 Triple Stemmed Sycamore - Fell and grind stump to enable replanting – TPO Served (13/19) served on 13th December 2019

7. CONSULTATION AND REPRESENTATIONS RECEIVED

7.1 Representations received from Interested Parties

- 7.1.1 One letter was received **objecting** to the serving of the TPO 13/19 and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The tree is preventing the rebuilding of a 200 year old wall, which has already been granted planning permission	The rebuilding of part of this wall was granted planning permission based on the relevant protection measures being put in place to protect the tree – no arboricultural justification has been provided to justify the removal of the tree or the preventative measures explored.
Health and safety concerns as the tree is leaning towards neighbouring properties at Hill House Mews, the tree and wall is currently only held up by shoring put in place as a temporary measure, if the TPO is served this would prevent a long term safe solution	The serving of a TPO would not and does not prevent works from being undertaken to the tree and in some cases can include the removal of the tree, the serving of a TPO enables the Local Planning Authority to assess the proposed works and secure replacement planting where required.
Until the wall is replaced there is an area of neighbouring gardens that is not usable.	Comments noted
The environmental conditions are no reason whatsoever why this tree cannot be taken down and replaced with a replacement tree or trees in a more suitable location allowing the wall to be replaced	As stated in section 5.4 of this report. Should sufficient arboricultural justification be provided whereby the Local Planning Authority are satisfied that sufficient justification/evidence has been supplied to justify the removal of the tree, without the TPO, there is no legislative requirement or obligation to ensure that the tree is replaced, whilst this

Objection Comment	Officer Response
	could be verbally agreed, there is no way of ensuring this trees replacement unless a TPO is served.

8. **CONCLUSION**

- 8.1** The tree the subject of the TPO makes a significant contribution to the character and appearance of the surrounding area due to the size and prominent location of the tree. Given that the tree has a TEMPO score of 15, it is considered that the TPO should be confirmed to prevent the loss of this tree without securing appropriate replanting; which could harm the amenity value of the Conservation Area.