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

16 February 2021

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 24 FEBRUARY 2021** at **6.00 pm**.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor M R Edwards

VICE-CHAIRMAN

Councillor Mrs J C Stilts

COUNCILLORS

Miss A M Beale

M S Heard

K M H Lagan

C Mayes

C Morris

S P Nunn

N G F Shaughnessy

C Swain

Please note: Electronic copies of this agenda and its related papers are available via the Council's website www.maldon.gov.uk.

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AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 24 FEBRUARY 2021

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 2 December 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. **20/01208/LBC - The Waffle Bar, 144 High Street, Maldon, CM9 5BX** (Pages 15 - 22)

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

6. **Any other items of business that the Chairman of the Committee decides are urgent**
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Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation. The first person to register in each category will be sent a Microsoft Teams invitation which will allow them to join the ‘live’ meeting to make their statement.
4. For further information please 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 and publishing on the Council’s website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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
2 DECEMBER 2020**

PRESENT

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

118. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

119. APOLOGIES FOR ABSENCE

There were none.

120. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 4 November 2020 be approved and confirmed.

121. DISCLOSURE OF INTEREST

Councillor S P Nunn declared a non-pecuniary interest in Agenda Item 7 – 20/01010/HOUSE, 98 Washington Road, Maldon, CM9 6AR, as he knew the applicant.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 7- 20/01010/HOUSE, 98 Washington Road, as she knew the children of the applicant.

Councillor Heard declared a non-pecuniary interest in Agenda Item 7 – 20/01010/HOUSE, 98 Washington Road, as he had telephone calls from some objectors.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 7-20/01010/HOUSE, 98 Washington Road, as she had received related emails.

122. 20/00796/FUL - 119 HIGH STREET, MALDON

Application Number	20/00796/FUL
Location	119 High Street Maldon Essex
Proposal	Change of use of rear service building to C3 residential live/work unit including provision of secure bike storage and bin storage and replacement roof tiles, in association with shop 119 High Street, including minor internal alterations to shop to create separate toilet facility – Resubmission following a recent refusal reference: 20/00198/FUL
Applicant	Mr Jarman
Agent	Sharon Smith
Target Decision Date	20 October 2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Called in by Councillor C Mayes and Policies D1 and H4 were referenced in the Call-In.

Members’ attention was drawn to the Members’ Update which had been circulated prior to the meeting. Following the Officer’s presentation, Mr Jarman, the Applicant addressed the Committee.

The Chairman moved the Officer’s recommendation that the application be refused for the reasons as set out in Section 8 of the report. This was seconded by Councillor Mrs J C Stilts.

A discussion ensued where a number of points of clarification were sought around car parking, the size of the unit in question and areas of concerns raised around car parking provision and the loss of space in the retail area.

Councillor Morris said he had been persuaded by the applicant, that it was important to support the High St. and that should the officer recommendation to refuse be lost he proposed the application be approved.

In response to concerns raised Officers clarified that the onsite parking did not meet the minimum standards as laid down in the approved 2018 Vehicle Parking Supplementary Planning Document as well as the loss of ancillary retail facilities, that of a storeroom and preparation area, and the small size of the remaining retail floorspace, was the basis of Officers’ concerns.

The Chairman put the Officer’s recommendation to refuse the application to the Committee and upon a vote being taken it was refused.

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

- 1 The premises are within the Primary Retail Frontages identified in the Local Development Plan. The retail unit retained would be small in size and the

application is not accompanied by sufficient information to demonstrate that a retail unit of this size would be viable and that the proposal would not result in the loss of a Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan and the NPPF.

- 2 The development would not provide any off-street parking spaces, failing to accommodate the demand for car parking which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved Local Development Plan.

123. 20/00862/HOUSE AND 20/00863/LBC - 7 ALL SAINTS LONDON ROAD, MALDON, CM9 6HE

Application Number	20/00862/HOUSE & 20/00863/LBC
Location	7 All Saints, London Road, Maldon, CM9 6HE
Proposal	Single storey front extension to provide entrance, cloakroom and snug.
Applicant	Mr and Mrs Broom
Agent	Ms Annabel Brown – Annabel Brown Architect
Target Decision Date	06.11.2020
Case Officer	Hannah Dungate
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in by Councillor C Mayes Reason: D1 and D3

Members’ attention was drawn to the Members’ Update which had been circulated before the meeting.

Following the Officer’s presentation, the Chairman moved the Officer’s recommendation to approve the application subject to conditions detailed in section 8 of the report. This was seconded by Councillor Miss A M Beale.

A discussion ensued where some Members felt the conversion was in keeping with the building and did not have a problem with what was being proposed. Others felt that, whilst the conversion was sympathetic, it was too large with a loss of amenity space.

The Lead Specialist Place advised that the Council had raised concerns regarding the amenity space but at appeal the Inspector had found it acceptable. It was noted that the layout did not detract from the amenity space.

The Chairman then put the Officer’s recommendation of approval to the Committee and upon a vote being taken it was approved.

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

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

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended) and Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: A20633/PI01; A20633/PL02; A20633/PL05; A20633/PL06/A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use details and photographs of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 4 The external brick work shall be constructed in an English bond to match existing and shall be retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 5 Prior to the installation of any doors or windows as part of the development hereby approved, large scale drawings [1:20] showing all new windows, rooflights and doors including sections [1:2] through the head, cills and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 7 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended) and Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: A20633/PI01; A20633/PL02; A20633/PL05; A20633/PL06/A.
REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 Prior to their use details and photographs of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 4 The external brick work shall be constructed in an English bond to match existing and shall be retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 5 Prior to the installation of any doors or windows as part of the development hereby approved, large scale drawings [1:20] showing all new windows, rooflights and doors including sections [1:2] through the head, cills and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 7 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

124. 20/01010/HOUSE - 98 WASHINGTON ROAD, MALDON, CM9 6AR

Application Number	20/01010/HOUSE
Location	98 Washington Road, Maldon, CM9 6AR
Proposal	Amendments to application APP/X1545/D/16/3164272 allowed on appeal: Single storey front extension to garage and porch. Omit 2nd storey front and rear aspect windows. Flat roof dormer to rear. Rooflights. S73A application for side aspect gable window to 2nd storey bedroom. Form hip to gable roof to the existing single storey rear extension. Alternation of ridge height to western side gable projection.
Applicant	Mrs Karen Wiseman
Agent	Mr Richard Bailey
Target Decision Date	03/12/2020
Case Officer	Sophie Mardon
Parish	MALDON WEST

Reason for Referral to the Committee / Council	Member Call In – Councillor Shaughnessy – Reason for Call in: Contrary to policy H4 and D1 of the LDP.
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Members’ attention was drawn to the Members’ Update which had been circulated prior to the meeting. Following the Officers presentation an Objector, Mr Giles, and the Applicant, Ms Wiseman, addressed the Committee.

The Chairman then moved the recommendation of approval, subject to conditions as detailed in section 8 of the report. This was seconded by Councillor C Mayes.

At this point Councillor Heard wished to make it clear that his non-pecuniary declaration of interest was in respect of this item of business. He had a telephone conversation with an objector but did not express an opinion.

Councillor Shaughnessy also wished to make it known that she had not expressed an opinion in her email exchanges on this item of business.

A long debate ensued on the differences between the changes agreed at appeal and the subsequent amendments to that plan. Members raised concerns about the number of windows, the raised roof height, the imbalance in the street scene, parking space and potential overlooking. The issue of a site visit was also raised.

Councillor Swain proposed that the application be rejected due to the proliferation of windows. It was noted that there already was a duly seconded motion on the table.

The Lead Specialist Place responded by advising that what the Committee needed to demonstrate was the extent of the harm due to the proposed changes. Officers had assessed the differences between what was approved and what was planned and determined that the quantum of development could be contained onsite, and that with appropriate conditioning there was no demonstrable harm. He reminded Members that a lot of the work such as windows and fanlights could be carried out under permitted development and that there was no overall uniformity of development in Washington Road.

On the issue of the site visit he advised that in order for this to be undertaken properly it required all Members attendance as part of the decision-making process. At the moment this was not permissible due to COVID-19.

Councillor Swain then raised a point of order regarding his motion on the table. In response, both Councillors Heard and Nunn reminded the Committee that there already was a duly seconded motion on the table that needed to be addressed first.

The Chairman put the Officer’s recommendation of approval to the Committee and upon a vote being taken it was lost.

Councillor Heard then proposed that the application be refused on the grounds of a number of design flaws. This was seconded by Councillor Swain. The Lead Specialist Place suggested that due to the number of unresolved design elements raised the detailed reasons for refusal be delegated to Officers, in consultation with the Chairman and Ward Members.

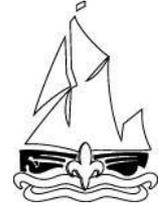
The Chairman then put the proposal to refuse the application with reasons delegated to Officers in consultation with the Chairman and Ward Members. Upon a vote being taken it was refused.

RESOLVED that the application be **REFUSED** for reasons to be determined as outlined above.

There being no further items of business the Chairman closed the meeting at 8.00 pm.

M R EDWARDS
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
24 FEBRUARY 2021**

Application Number	20/01208/LBC
Location	The Waffle Bar, 144 High Street, Maldon, CM9 5BX
Proposal	Remove brick pier/pillar to the east boundary wall.
Applicant	Southend & District Building Preservation Trust (East) Ltd
Target Decision Date	26.02.2021
Case Officer	Hannah Dungate
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in by Councillor C Mayes Reason: D1, D3 and S3

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

The Waffle Bar, 144 High Street, Maldon, CM9 5BX
 20/01208/LBC



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	Organisation: Maldon District Council	Department: Department
	Comments: Not Set	Date: 04/02/2021
	MSA Number: 100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Maldon High Street and is within the Maldon Conservation Area. No. 144 High Street is a Grade II listed building. It is a medieval timber-framed hall and cross-wing, later altered in several ways. Within the rear yard of No. 144 is its former coach house which dates from the early 19th Century, known as No 144B High Street. At the rear of the Coach House are two semi-detached cottages allowed at appeal, known as Nos. 1 and 2 Tudor Court (APP/X1545/W/16/3142897 refers).
- 3.1.2 Vehicular access to these properties is taken from the High Street, east of No. 144A, with the eastern boundary of the site defined by a brick wall.
- 3.1.3 The boundary wall between Nos. 144 and 146 appears to date from the 1930's when No. 146 was built. It is constructed of a mixture of red bricks and Fletton bricks laid in cement mortar.
- 3.1.4 Listed Building Consent is sought for the removal of a brick pier from the east boundary wall. The existing pier is located approximately 3.9m from the back edge of the public footpath. The brick pier in question is half-round and composed of bricks laid vertically. The top of the pier was recently damaged during building work to the rear of No. 144.

3.2 Conclusion

- 3.2.1 It is considered that the removal of this pier would not harm the character of the conservation area or the setting of the listed building given that it is a structure of limited historic significance. Therefore, it is considered that the development is in accordance with policies D1 and D3 of the Local Development Plan (LDP), sections 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 184-202 Conserving and enhancing the historic environment

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

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)

5. MAIN CONSIDERATIONS

5.1 Design and Impact on the Character of the Area, Setting and Fabric of the Listed Building

5.1.1 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.

5.1.2 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”.

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets

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

5.1.5 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.

- 5.1.6 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. In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.1.7 Similarly, policy D3 of the approved Maldon District LDP states that development proposals that affect a heritage asset 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.
- 5.1.8 No. 144 High Street is a grade II listed building in the Maldon Conservation Area. It is a medieval timber-framed hall and cross-wing, later altered in several ways. The significance of this listed building derives mainly from its great age, historic fabric, and attractive presence within the street scene. The boundary wall between No. 144 and No. 146 appears to date from the 1930’s when No. 146 was built. It is constructed of a mixture of red bricks and Fletton bricks laid in cement mortar. As a traditionally detailed brick boundary wall, it is in-keeping with the setting of the listed building and the character of the conservation area.
- 5.1.9 The proposed development seeks to remove a brick pier from this boundary wall. The brick pier in question is half-round and composed of bricks laid vertically. It appears that the top of the pier was recently damaged during building work to the rear of No. 144.
- 5.1.10 It is noted that objections have been received from the Maldon Society who have stated that although the boundary wall is not included within any description of adjacent listed buildings it is within the Conservation Area and worthy of retention. The Maldon Society have also stated that the pier has an unusual and attractive design necessary to its structural function and that the upkeep of the wall is being neglected by the owners of the site.
- 5.1.11 The Council’s Specialist in Heritage and Conservation has raised no objections to the proposed development commenting that the boundary wall is a ‘structure of limited historic significance’. The Specialist in Heritage and Conservation has advised that although the wall is protected as a structure predating 1948, within the curtilage of 144 High Street, pursuant to section 1(5)(b) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the removal of this pier would not ‘harm the character of the conservation area or the setting of the listed building.’ Based on this advice and subject to a condition relating to the replacement of any damaged bricks on the face of the wall with undamaged soft red bricks to match the existing, based on this advice, the development is considered to be in accordance with policy D3 of the

Maldon LDP, chapter 16 of the NPPF, or the duties set out in sections 16(2) or 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
20/01062/FUL	Extension and refurbishment of existing coach house to form 1no. residential unit. (Amended application to previously refused scheme 19/01234/FUL to show additional amenity space). [144B]	Refused
19/01234/FUL	Extension and refurbishment of existing coach house to form 1no. residential unit. (Amended application to previously refused scheme 19/00903/FUL to show amenity space 1no. Parking space). [144B]	Refused & Appeal Dismissed
19/00903/FUL	Extension and refurbishment of existing coach house to form 1no. residential unit. [144B]	Refused & Appeal Dismissed
16/00428/FUL & 16/00429/LBC	Change of use from Use Class A1 (retail) to A3 (restaurants and cafes) with associated operational development [144]	Approved
15/00688/FUL	Erection of two no. semi detached cottages with off street parking.	Refused & Appeal Allowed
13/00288/FUL	Construction of two reclaimed cottages. [144B]	Approved
13/00230/FUL & 13/00562/LBC	Conversion of existing coach house into a live/work unit and two storey side extension including new carriageway arch for access to rear. [144B]	Approved & LBC Granted
12/00094/FUL	Development of three cottages on land adjacent to Tait Mews. [144B]	Refused
11/00505/FUL	Three new dwellings in rear garden and provision of car parking. [144B]	Refused
09/00591/FUL & 09/00592/LBC	Use of building for b1 use and two storey side extension including new carriageway arch for access to rear [144B]	Approved & LBC Granted

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend refusal to remove the brick pier/pillar which is in-keeping with the	Noted

Name of Parish / Town Council	Comment	Officer Response
	setting of the listed building, is in the Maldon Conservation Area and should be preserved due to its historic value.	

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	<p>The removal of this pier will not, in my judgement, harm the character of the conservation area or the setting of the listed building. The proposal therefore poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or sections 16(2) or 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>For these reasons I raise no objection to the approval of this application, subject to the recommended condition.</p>	Comments and recommended conditions noted

7.3 Representations received from Interested Parties

7.3.1 **One** letter from The Maldon Society was received **objecting** to the application. The reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Piers are necessary to ensure the stability of this brickwork wall and their circular design is an unusual and very attractive solution to a necessary structural function.	Noted – refer to section 5.1.11 of report.
The upkeep of the wall is being neglected by the owners and fear the aim is to remove it altogether.	Noted – refer to section 5.1.11 of report.
Creating a wider access is no benefit.	Listed Building Consent applications only consider the impact of the proposed works on the significance of the Listed Building and do not take into account material planning considerations that would be assessed as part of a planning application. This comment is not therefore a material consideration for this type of application.
The 20 th century architectural style is not widely represented within the Conservation Area and is worthy of retention.	Noted – refer to section 5.1.11 of report.

8. PROPOSED CONDITIONS – 20/01208/LBC

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents:
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 Following removal of the pier hereby approved, any damaged bricks on the face of the wall shall be replaced with undamaged soft red bricks to match the existing.
REASON To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.