

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

17 August 2021

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 25 AUGUST 2021** at **7.30 pm**

in the **Council Chamber. Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully

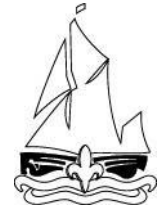


Director of Strategy, Performance and Governance

**COMMITTEE MEMBERSHIP:**

CHAIRMAN	Councillor M R Edwards
VICE-CHAIRMAN	Councillor Mrs J C Stilts
COUNCILLORS	Miss A M Beale
	M S Heard
	B B Heubner
	K M H Lagan
	C Mayes
	C Morris
	S P Nunn
	N G F Shaughnessy
	C Swain





**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

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**WEDNESDAY 25 AUGUST 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 28 July 2021, (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. **21/00297/HOUSE & 21/00298/LBC - Josua, 4 Silver Street, Maldon, Essex, CM9 4QE** (Pages 15 - 40)

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

6. **21/00588/FUL - 9 Acacia Drive, Maldon, CM9 6AW** (Pages 41 - 52)

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

7. **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 Nos. 5–6.
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](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

**NOTICES****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.

**Fire**

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

**Health and Safety**

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

**Closed-Circuit Televisions (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

## **Supplementary Planning Guidance and Other Advice (continued)**

### 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.

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**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
28 JULY 2021**

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**PRESENT**

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

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M S Heard and B B Heubner.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 1 July 2021 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

Councillor S P Nunn referred to Agenda Item 8 21/00/297/HOUSE & 21/00298/LBC – Joshua, 4 Silver Street, Maldon, Essex and how following a suggestion from a resident that he had an interest in this item of business he had sought advice from the Monitoring Officer. He declared in the interest of transparency that he was acquainted with the applicant.

Councillor K M H Lagan disclosed a non-pecuniary interest in Agenda Item 5 21/00269/FUL – McDonald's, Fullbridge, Essex, CM9 4LE as he had eaten at the restaurant.

5. **21/00339/FUL- QUEST MOTORS, WYCKE HILL BUSINESS PARK, MALDON**

<b>Application Number</b>	<b>21/00339/FUL</b>
<b>Location</b>	Quest Motors, Wycke Hill Business Park, Maldon
<b>Proposal</b>	Erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or Class B8 and/or Class B8 with ancillary showroom and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works
<b>Applicant</b>	Barkby Real Estate Developments Ltd
<b>Agent</b>	Karen Calkin – Firstplan
<b>Target Decision Date</b>	02.08.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>TOWN COUNCIL MALDON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following a request from the Chairman it was agreed that the order of business would be amended and this application considered first.

The Chairman proposed that the application be deferred. He referred to how the recommendation detailed in the Officers' report had been updated through the Members' Update (circulated the day before this meeting) and felt that it was unfair for the applicant to receive such late information. The Chairman explained that he therefore wanted to defer consideration of this application to the next meeting of this Committee to allow time for the applicants to resolve the issue that was raised. This proposal was duly seconded.

The Lead Specialist: Development Management explained to the Committee the reason behind Officers' change of recommendation which related to unresolved parking bay sizes and lorry parking issues, as set out on the Members' Update. It was noted that applicant was willing to seek a resolution to the issues raised.

The Chairman then put the proposal to the Committee and this was duly agreed.

**RESOLVED** that this application be **DEFERRED** to the next meeting of the Central Area Planning Committee.



6. **21/00269/FUL- MCDONALD'S, FULLBRIDGE, ESSEX, CM9 4LE**

<b>Application No:</b>	<b>21/00269/FUL</b>
<b>Location:</b>	McDonald's Fullbridge Essex CM9 4LE
<b>Proposal:</b>	Reconfiguration of drive thru lane to accommodate side-by-side ordering. including associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, minor extensions to the cash and presenter booths. Relocation of the shopfront entrance with new sliding door fitted. The installation of 2 no. digital Customer Order Displays (COD) with overhead Canopies and a Goal Post height restrictor.
<b>Applicant</b>	McDonald's Restaurants Limited
<b>Agent</b>	Mrs Sarah Carpenter - Planware Limited
<b>Target Decision Date</b>	10 <sup>th</sup> June 2021 - EoT until 4 <sup>th</sup> August 2021
<b>Parish</b>	<b>MALDON</b>
<b>Case Officer:</b>	Amit Patel
<b>Reason for referral to Committee:</b>	<b>Councillor call-in by Councillor C Mayes</b> <b>Policies: D1, D2, D3 D6, D5, E1, E2, N1</b>

Members were reminded that planning permission, which included two drive thru lanes, had been granted in 2016 with some elements already carried out on the site.

During the debate that ensued a number of concerns were raised by Members, these included potential increase in traffic around the site, the proposed cladding, car parking and the site being in a flood zone.

Councillor C Morris proposed that the application be refused, contrary to Officers recommendation, for reasons relating to lack of car parking and flood. This proposal was duly seconded. Upon a vote being taken the motion was declared lost.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote.

Councillor C Swain proposed that the Officers' recommendation of approval be agreed. This proposal was duly seconded, and the voting was as follows:

For the recommendation:

Councillors K M H Lagan, S P Nunn, Mrs J C Stilts and C Swain.

Against the recommendation:

Councillors Miss A M Beale, C Mayes, C Morris and N G F Shaughnessy.

Abstention:

Councillor M R Edwards.

There being an equality of votes the Chairman exercised his casting vote in support of the proposal.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
  - 19507\_763\_01
  - 19507\_763\_03

- 19507\_763\_05 REV.C
  - 19507\_763\_06 REV.B
  - 19507\_763\_50 REV.D
  - 19507\_763\_300 REV.D
3. The external surfaces and fenestration of the development hereby approved shall be constructed of materials and finish as detailed within the application form and retained as such thereafter.
  4. The measures for securing the resilience of the development against the effects of a flood event contained within the flood resilience and resistance statement which was submitted as part of the planning application and forms part of this permission, shall be fully implemented and put in place prior to the first use of the development and retained as such thereafter.
  5. No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
    - a) The parking of vehicles of site operatives and visitors
    - b) Loading and unloading of plant and materials
    - c) Storage of plant and materials used in constructing the development
    - d) Wheel and underbody washing facilities
  6. Prior to use of the new layout of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing no.300 rev D.
  7. Prior to use of the new layout of the development, the cycle parking shall be provided in accordance with the mdc parking standards. The approved facility shall be secure, convenient, covered and retained at all times.
  8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  9. There shall be no discharge of surface water onto the highway.
  10. No works above slab level of the drive thru shall be carried out, until full details of the soft landscaping, shall be submitted to the local planning authority and agreed in writing. The details shall include, existing and proposed soft landscaping within the site and screening to the bin store area. The development shall then be implemented in accordance with the approved details and retained.

**7. 21/00270/ADV - MCDONALD'S, FULLBRIDGE, ESSEX CM9 4LE**

<b>Application No:</b>	<b>21/00270/ADV</b>
<b>Location:</b>	McDonald's Fullbridge Essex CM9 4LE
<b>Proposal:</b>	Application for advertisement consent for the installation of 4No. Fascia signs
<b>Applicant:</b>	McDonald's Restaurants Limited
<b>Agent:</b>	Mrs Sarah Carpenter - Planware Limited
<b>Application Expiry Date:</b>	10 June 2021 - EoT until 4th August 2021
<b>Parish:</b>	<b>MALDON</b>
<b>Case Officer:</b>	Amit Patel
<b>Reason for referral to Committee:</b>	<b>Councillor call in by Councillor C Mayes</b> <b>Policies: D6, D1</b>

Councillor C Morris proposed that the application be refused, contrary to Officers' recommendation for reasons relating to highways and for being intrusive and incongruous. This proposal was duly seconded.

Following advice from the Lead Specialist – Development Management, the reasons for refusal were amended to be that the signage proposed was visually intrusive causing harm to the area.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote.

The Chairman put the proposal in the name of Councillor Morris to the Committee and the voting was as follows:

For the recommendation:

Councillors C Mayes, C Morris and Mrs J C Stilts.

Against the recommendation:

Councillors Miss A M Beale, S P Nunn and C Swain.

Abstention:

Councillors M R Edwards, K M H Lagan and N G F Shaughnessy.

There being an equality of votes the Chairman exercised his casting vote against the proposal. The motion was therefore declared lost.

Councillor C Swain proposed that advertisement consent be granted in accordance with the Officers recommendation. This proposal was duly seconded and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, S P Nunn and C Swain.

Against the recommendation:

Councillors K M H Lagan, C Mayes, C Morris and Mrs J C Stilts.

Abstention:

Councillors M R Edwards and N G F Shaughnessy.

The motion was therefore declared lost.

Following some discussion, Councillor Morris proposed that determination of this application be deferred to the District Planning Committee. This proposal was duly seconded, and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, K M H Lagan, C Mayes, C Morris, N G F Shaughnessy and Mrs J C Stilts.

Against the recommendation:

Councillor S P Nunn.

Abstention:

Councillors M R Edwards and C Swain.

**RESOLVED** that this application be **DEFERRED** to the **DISTRICT PLANNING COMMITTEE** for determination.

8. **21/00271/ADV - MCDONALD'S, FULLBRIDGE, ESSEX CM9 4LE**

Application No:	<b>21/00271/ADV</b>
Location:	McDonald's Fullbridge Essex CM9 4LE
Proposal:	Application for advertisement consent for the installation of 5No. new digital freestanding signs and 1No. 15" Digital booth screen.
Applicant:	McDonald's Restaurants Limited
Agent:	Mrs Sarah Carpenter - Planware Limited
Application Expiry Date:	10 June 2021 - EoT until 4th August 2021
Parish:	<b>MALDON</b>
Case Officer:	Amit Patel
Reason for referral to Committee:	Councillor call in by Councillor C Mayes. <b>Policies:</b> D6, D1

Councillor C Morris proposed that this application be deferred to the District Planning Committee for determination. This proposal was duly seconded.

In response to a question from the Chairman, the Officer advised that the advertisements proposed were associated with the proposal the subject of application 21/00269/FUL which the Committee had resolved to grant planning permission for earlier at this meeting.

Following further discussion and in accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote.

The Chairman then put the proposal in the name of Councillor Morris to the Committee and the voting was as follows:

For the recommendation:  
Councillors C Mayes and C Morris.

Against the recommendation:  
Councillors K M H Lagan, S P Nunn, Mrs J C Stilts and C Swain.

Abstention:  
Councillors Miss A M Beale, M R Edwards and N G F Shaughnessy.

The motion was declared lost.

Councillor Mrs Stilts proposed that the application be refused, contrary to Officers' recommendation for reasons of visual clutter and overdevelopment of the advertisement sites. This proposal was duly seconded and upon a vote being taken the voting was as follows:

For the recommendation:  
Councillors M R Edwards, C Mayes, C Morris, N G F Shaughnessy and Mrs J C Stilts.

Against the recommendation:  
Councillors K M H Lagan, S P Nunn and C Swain.

Abstention:  
Councillor Miss A M Beale.

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

1. As a result of the number and size of the advertisements proposed and the limited size of the application site, the proposal would result in visual clutter and an excess of advertisements on this site, thereby harming the character and appearance of the site and the surrounding area contrary to Policies D1 and D6 of the approved Maldon District Local Development Plan.

**9. 21/00297/HOUSE & 21/00298/LBC- 4 SILVER STREET, MALDON, ESSEX, CM9 4QE**

<b>Application Number</b>	<b>21/00297/HOUSE &amp; 21/00298/LBC</b>
<b>Location</b>	Joshua, 4 Silver Street, Maldon, Essex, CM9 4QE
<b>Proposal</b>	Restoration and alterations to exterior and interior of the existing house.
<b>Applicant</b>	Mr & Mrs Bresler - Eleven Cromwell Hill Ltd
<b>Agent</b>	Mr Simon Plater - Plater Claiborne Architecture And Design
<b>Target Decision Date</b>	30.07.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor C Mayes Reason: D1, D2, D3, H4, I2, S12

It was noted from the Members' Update that an additional condition to application 21/0097/HOUSE was proposed.

Following the Officers' representation an objector, Mrs Wood and a supporter, Mr Smye (on behalf of the Maldon Society) addressed the Committee.

Councillor C Morris proposed that the application be deferred to allow for a site visit to take place, referring to the number of letters of objection received. This proposal was duly seconded. The Lead Specialist – Development Management advised that whilst a site visit could be requested consideration would be required to ensure the site visit was within safety regulations etc.

During the debate that followed a number of Members raised questions and some concern regarding aspects of the proposed development and its impact on the listed building and surrounding area.

Councillor Morris repeated his earlier proposal for a site visit referring to it being a finely balanced decision and a site visit would aid this. The reason for the site visit was agreed that there were certain aspects of the proposal which give concern regarding possible damage to the status of the Grade 2\* listed building.

In accordance with Procedure Rule No. 13 (3) Councillor C Morris requested a recorded vote.

The Chairman put the proposal in the name of Councillor Morris to the Committee and the voting was as follows:

For the recommendation:

Councillors Miss A M Beale, M R Edwards, C Mayes, C Morris, N G F Shaughnessy and C Swain.

Against the recommendation:

Councillors K M H Lagan and S P Nunn.

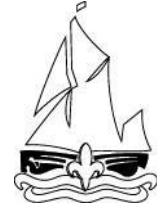
Abstention:

Councillor Mrs J C Stilts.

**RESOLVED** that determination of applications 21/00297/HOUSE and 21/00298/LBC be **DEFERRED** pending a site visit.

There being no other items of business the Chairman closed the meeting at 9.07 pm.

M R EDWARDS  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
25 AUGUST 2021**

<b>Application Number</b>	<b>21/00297/HOUSE &amp; 21/00298/LBC</b>
<b>Location</b>	Josua, 4 Silver Street, Maldon, Essex, CM9 4QE
<b>Proposal</b>	Restoration and alterations to exterior and interior of the existing house.
<b>Applicant</b>	Mr & Mrs Bresler - Eleven Cromwell Hill Ltd
<b>Agent</b>	Mr Simon Plater - Plater Claiborne Architecture And Design
<b>Target Decision Date</b>	27.08.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor C Mayes Reason: D1, D2, D3, H4, I2, S12

## 1. **APPLICATION HISTORY**

This application was presented to members at the Central Area Planning Committee held on Wednesday 28 July 2021, whereby the application was deferred to allow for a Members' site visit. This took place on 16 August 2021.

The full committee report can be found in **APPENDIX 1**. Please note that section 7.2 has been updated with the consultation response from The National Amenities Society, who have made no comment on the proposal. The recommendation to approve remains unchanged.

## 2. **RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of the report at **APPENDIX 1**)

**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of the report at **APPENDIX 1**).

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE**  
28 JULY 2021

<b>Application Number</b>	<b>21/00297/HOUSE &amp; 21/00298/LBC</b>
<b>Location</b>	Josua, 4 Silver Street, Maldon, Essex, CM9 4QE
<b>Proposal</b>	Restoration and alterations to exterior and interior of the existing house.
<b>Applicant</b>	Mr & Mrs Bresler - Eleven Cromwell Hill Ltd
<b>Agent</b>	Mr Simon Plater - Plater Claiborne Architecture And Design
<b>Target Decision Date</b>	30.07.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor C Mayes Reason: D1, D2, D3, H4, I2, S12

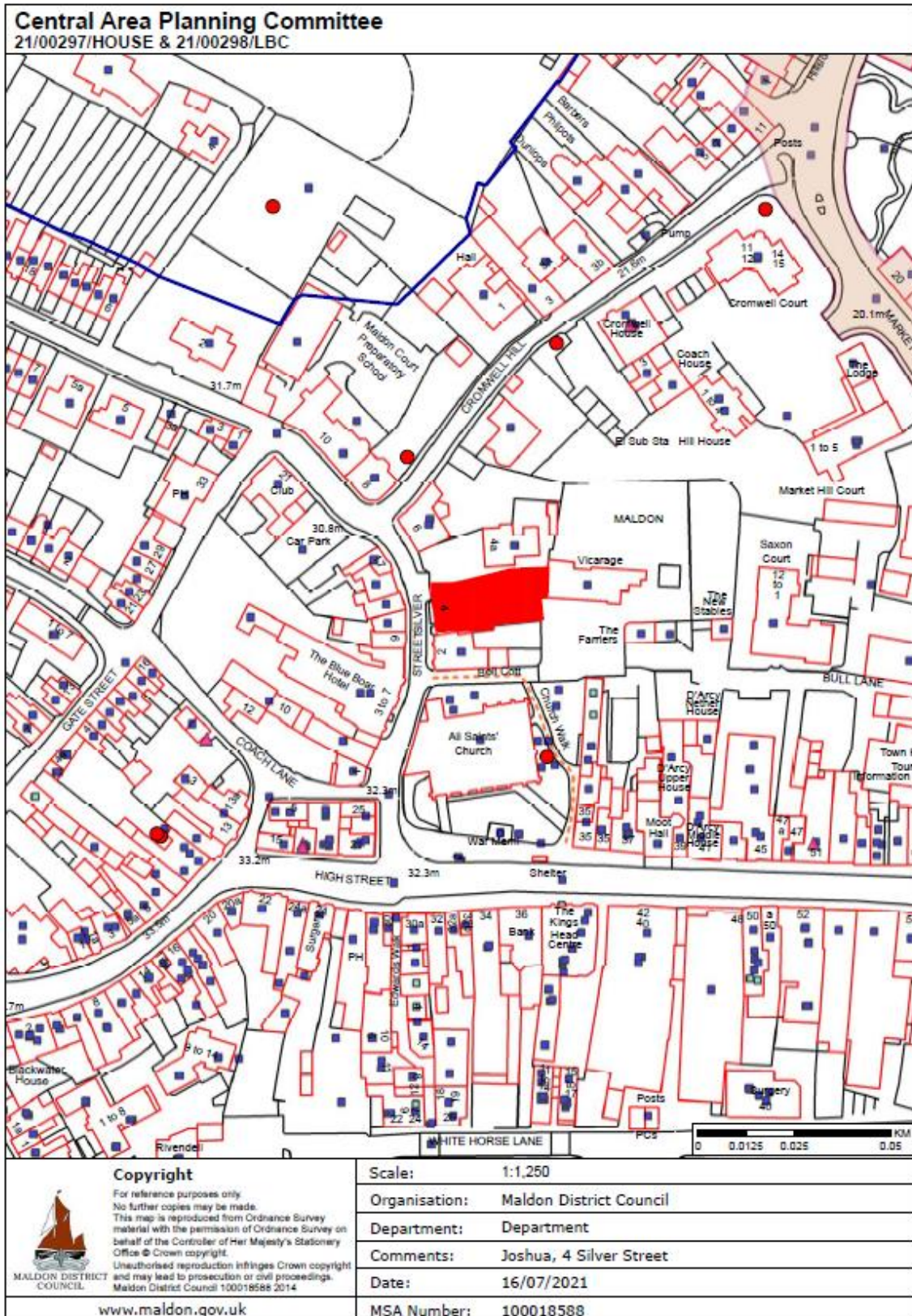
**1. RECOMMENDATION**

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

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

**2. SITE MAP**

Please see below.



### 3. **SUMMARY**

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

3.1.1 The site is located on the eastern side of Silver Street which is accessed north from the High Street. No. 4 Silver Street is a grade II\* listed building, situated in the Maldon Conservation Area. Most of the neighbouring properties are also listed buildings.

3.1.2 Silver Street is one of the most historic and best-preserved parts of the Maldon Conservation Area. It is a relatively narrow and delicately curved road, sloping downhill to the north, and lined by handsome vernacular houses. The views from the northern end of Silver Street, looking south, are among Maldon's most memorable; a picturesque jumble of old roofs and chimneys culminating in the soaring 13th-century spire of All Saints' Church. The Maldon Conservation Area Review and Management Plan (2006) observes that Silver Street 'is in many ways close to perfection in appearance' (p. 40). But the significance of the listed buildings on Silver Street, and the reason they are listed, goes deeper than their aesthetically attractive qualities. Study of the houses in the street has shown how they have developed organically – although at times quite dramatically – over many centuries. These historic houses embody so much evidence of the lives and changing tastes of successive generations of the town's inhabitants.

3.1.3 No. 4 Silver Street is a timber-framed property with a rendered frontage that disguises the building's true antiquity. Until recently, it was thought that the house dated from no earlier than the late-16th century. Research over the past year has established that the house is in fact medieval in origin; the earliest parts dating from c.1400. It was originally developed as a substantial hall house, comprising a single-storey open hall flanked at either end by jettied cross-wings. The hall had unglazed mullion windows with internal shutters and was heated by an open hearth, akin to having a bonfire in the middle of the room. Incredibly, part of the base for the open hearth, consisting of roof tiles bedded on-edge into clay has been discovered by the archaeologist Barry Hilman-Crouch beneath the 20th-century floor. The building's medieval structure includes impressive timber framing, sweeping braces, some decoratively moulded beams, and wattle-and-daub infill. Fixings have been found for a painted cloth which hung at the dais end of the hall. These fixings and the open hearth are extremely rare survivals.

3.1.4 The proposal relates to the following works:

Internal works:

- A new heating system will be implemented to provide a modern gas boiler
- Rooms on the second floor to be re-organised to incorporate a separate en-suite to each bedroom
- Rooms next to the kitchen will be re-arranged to allow for an additional staircase

- Throughout the ground floor, new limecrete floor will be installed
- Dampness in the cellar will be addressed by replacing the flooring and installing a new mechanical ventilation unit with heat recovery
- Construct a second staircase leading to a protected corridor

#### External works:

- Car port removed on the northern elevation and render repaired where the car port is removed
- Single storey northern projection removed
- Tiles to be removed, felt replaced, old tiles reinstated
- New heritage guttering
- New meter box
- Gates retained and renovated
- Bay windows and front door on the west elevation refurbished
- Remove rear conservatory and replace with glass and aluminium canopy
- Fenestration alterations to all elevations including replacing all modern windows to south, east and north elevations with more sympathetic windows.
  - South – add one window, remove a door
  - East – remove a window and install one window
  - West – refurbish front bay windows
  - North – alter an external doorway to a single door, rearrange ground floor windows

## 3.2 Conclusion

- 3.2.1 The proposal is supported by both English Heritage and the Council's Conservation and Listed building officer, as being an exemplary proposal for this listed building, being comprehensive and sensitive in its approach to the proposed restoration works. It is consequently considered that the proposal will not result in detrimental harm to the residential amenity of neighbouring occupiers, the parking provision at the site or the provision of private amenity space. The proposal will also not harm the character and appearance of the site or surrounding conservation area, nor would it harm the setting of the listed building on the site. Therefore, the proposal is considered to be in accordance with policies H4, D1, D3 and T2 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF).

## 4. MAIN RELEVANT POLICIES

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

### 4.1 National Planning Policy Framework 2021 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
- 55-58 Planning conditions and obligations
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 189-208 Conserving and enhancing the historic environment

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

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

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG)
- Maldon District Vehicle Parking Standards
- Maldon Conservation Area Review and Character Appraisal

### **5. MAIN CONSIDERATIONS**

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

5.1.1 The principle of altering and extending a dwellinghouse and providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved Local Development Plan (LDP).

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

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

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of: -
- 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 Maldon District Design Guide (MDDG) (2017).
- 5.2.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
- 5.2.6 Policy D1 and the MDDG both provides guidance on the criteria for all development to respect and enhance the character and local context of the development and made a positive contribution in terms of landscape setting, the historic environment and scale, form, massing and proportion.
- 5.2.7 The application site is surrounded by listed buildings; however due to the nature of the works and the fact they are considered to enhance the character of the listed building on the application site, it is considered that the proposal would preserve the character of the listed buildings within the surrounding area.

- 5.2.8 In relation to the internal works to the cellar, leaving the brickwork exposed will preserve the appearance of the walls including the painted numbering on the stub partitions. Laying a floor of paviments on sand would preserve the character of the interior and would not impede the natural movement of moisture. The free-standing ventilation units will be relatively discreet and would not harm the character of the building however no details of the external extracts for these ventilation units have been provided and therefore a suitably worded condition has been imposed to ensure they are of a sympathetic appearance. One partition would be removed; this has been altered several times and is not bonded into the original walls of the cellar, indicating it is a later addition. Its removal would cause minimal harm to the character of the listed building. The introduction of a secondary flight of stairs would have a minor impact on the character of the listed building however it would only affect a small part of the cellar complex. It is considered that a flight of stairs could be designed so that it would not harm the character of the building; this will be ensured via condition.
- 5.2.9 The mid-18th-century rear range is the least-well preserved part of the house, having been altered in several ways in the 20th century. Several changes are proposed to improve the character and convenience of this part of the building. The northern side-porch is an unsympathetic late-20th century addition and its removal would enhance the character of the listed building. The existing unsympathetic modern windows would be replaced with new windows more in keeping with the age and character of the property. The fenestration alterations would involve the removal of some small areas of 18th-century wall structure, but the degree of loss would be kept to a minimum and this would be justified by the positive aesthetic enhancement it would achieve. The secondary staircase proposed in the rear range between ground-floor and first-floor levels would be positioned where the existing common joists are later replacements, so would involve limited loss of historic structure. Alterations to the internal layout of the rear range would involve the removal of some late-20th century partitions (including two breeze block walls at ground floor) which possess no significance.
- 5.2.10 The lean-to roof/cart lodge at the northern end of the frontage would be removed. This consists of machine-sawn pine rafters with a natural slate covering and is part of the 1919 refurbishment. The Specialist in Conservation and Heritage Assets does not consider this to necessarily detract from the appearance of the listed building, however, it is not an historically or architecturally important addition. The removal of the lean-to roof would not harm the significance of the house or the conservation area. It would open up views of some of the older parts of the house and the 15th-century vicarage to the east. It is noted that Historic England consider its removal to be an enhancement. The existing gates would be retained, preserving some degree of enclosure to the street.
- 5.2.11 At the back of the house is a dilapidated late-20th-century conservatory. The replacement of this with a new open-sided canopy would represent a positive enhancement.



5.2.12 Internally, elements of the 15th and 16th-century timber-framed structure would be exposed, repaired and partially restored. The changes would not involve any loss of important historic fabric. The work will enhance the character of the interior, revealing the building's historic character. The new, breathable limecrete floor will manage moisture much more effectively, reducing the risk of future damp or decay. The limecrete floor in the position of the medieval open hall will preserve the remains of the open hearth which will be viewable under a hatch. Parts of the building require significant repair work, particularly the medieval timber-framed wall below a gutter which has leaked unnoticed over many years. The repair work will ensure the character of the listed building will be enhanced.

5.2.13 It is noted that the Council's Specialist in Conservation and Heritage Assets supports the proposal. A consultation response from Historic England states that the impact of the proposed works will be an enhancement on the existing situation, particularly replacing modern windows with windows comprising contextually appropriate design feature, and as a result of the removal of the 20th century lean-to and conservatory. They consider that the sensitive approach that has been adopted towards the proposed works will undoubtedly enhance this extraordinary building and appropriately safeguard the future of its historic fabric.

5.2.14 There are elements of the proposal that will cause a low level of "less than substantial harm" to the significance of the grade II listed building due to the removal of some localised areas of historic fabric. However, this harm is limited and decisively outweighed by the conservation benefits of the scheme (which are also public benefits for the purposes of paragraphs 196 of the NPPF), including enhancements of its external character, the exposure and restoration of important internal elements of its historic design, and sympathetic repair work which will secure the building's long-term preservation. The proposed replacement windows to the rear range would represent a modest enhancement of this part of the conservation area, insofar as there are glimpsed views of some of these windows from the street. Having regard to this, and the comments received from Historic England, it is considered that the proposal would enhance the historic character of the listed building.

5.2.15 The development therefore poses no conflict with the duties set out in section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with policy D3 of the LDP.

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

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).



- 5.3.2 Due to the nature of the proposed internal and external alterations, it is not considered that the proposal will have a harmful impact on the residential amenity of neighbouring occupiers by way of a loss of light or privacy.
- 5.3.3 It is noted that concerns have been raised in public comments regarding the use of the site as being rented out for large groups and the impact from the noise on the surrounding dwellings. It is firstly noted that the application submitted and being assessed within this report is for the physical alterations to the dwelling only and not for any change of use of the site. No reference has been made in the submission documents to any change of use. It is important to note that it may be possible to rent the dwelling out, as is the case with any other dwelling, without planning permission being required for a change of use, depending on the nature/scale of the use. In addition, renting a property is not tantamount to a change of use. However, if a change of use were to occur, this would require planning permission through a further application. However, as that is outside the scope of this application, it is not necessary to discuss this matter further and this cannot be a consideration under this application. Due consideration to such a matter would be ultra vires.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.4.2 There are currently 7 bedrooms in the dwelling. The layout will be amended so that there will be 5 bedrooms. A dwelling with 4 bedrooms or more should provide 3 parking spaces. There are currently two parking spaces to the north of the dwelling, one under the existing car port and one on an area of hardstanding and therefore there is a shortfall of one parking space. The car port will be removed however two parking spaces will remain on the area of hardstanding. The shortfall of one parking space will remain; there will be no reduction in the provision of parking at the site and therefore there are no objections to the proposal in terms of parking provision.
- 5.4.3 The proposed external and internal alterations are not considered to have any impact on highway safety.
- 5.4.4 Overall, given the above, it is considered that there are no objections to the proposal in terms of highway safety or parking provision and therefore the proposal complies with policy T2 of the LDP.

#### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public

open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

5.5.2 The garden at the site will remain in excess of 100sqm and therefore there are no objections in relation to private amenity space.

## 6. ANY RELEVANT SITE HISTORY

- **09/00914/LBC** - Retro-fit two solar panels to south inner gable – Refused

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend refusal: The Town Council recommends refusal of these applications due to lack of direction and clarity from the Conservation Officer as the proposals represent several major changes to the property which would have a detrimental impact and cause harm to the historical characteristics of the Grade 2* Listed Building and historic street scene in the Conservation Area, contrary to Policies D1 and D3 of the Maldon District Local Development Plan.	Comments noted. The response from the Specialist in Conservation and Heritage Assets has been received and is set out below in section 7.3.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Historic England	<b>The significance of the historic environment</b>  This late 16th and 17th century house is timber-framed and rendered with gabled plain tile roofs and has a long two storey 17th rear extension with a gabled plain tile roof and black	Comments noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>weatherboarded first floor. House is of two unequal but parallel wings at right-angles to street and is of two storeys with an extensive 19th century cellar.</p> <p>The front has two gables with 19th century barge-boards with semi-circular lobes, linked by short length of timber-framed parapet. Each has a two-storey cant-sided bay window with sashes with central vertical glazing bars. The bays are panelled between each storey and at the head, where consoles support flat hoods.</p> <p>There is a rebuilt 17th century stack through the rear of the ridgeline of the northern wing that has two diagonal shafts and a large 19th century stack in a similar position on the southern wing.</p> <p>There is a long rear range with a black weatherboarded first floor and rendered ground floor. First floor has two sash windows with moulded surround and single vertical glazing bar and mixture of 20th century windows. The ground floor has a 20th century glazed lean-to bay, bow and other modern windows.</p> <p>Internally there is a very high quality 16th century timber-frame that provides a condensed plan form. The rear staircase tower has jowled posts in reversed assembly with a curved wall brace, now with an 18th century splat-baluster winding stair. The wall between the wings has a mid-rail, a feature of brick houses of the period. The roof has A-frames with arched bracing to collars.</p> <p>The first floor a stone fireplace with a frieze of roses either side of a</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>cartouche; an arched fire opening of four straight cants, carved spandrels with blank shields and quadrant-moulded jambs with vase stops.</p> <p>A smaller fireplace in the south wing has a semi-circular hearth. On the ground floor is the surviving jamb of a late 16th door opening and, above a fireplace, an early painted harvest scene.</p> <p>The rear extension range is part 17th century with much reused timber and a stack with a hole in the flank for a smoking chamber. There are very extensive late 19th cellars with a brick barrel-vault. Josua is listed at grade II* in recognition of its architectural and historic importance.</p> <p><b>The proposals and their impact on the historic environment</b></p> <p>Consent is sought for restoration and alterations to the exterior and interior of the existing house. The stated aim of the proposals is to improve its appearance by removing some of the 20th century additions to the exterior of the building, reconfiguring the internal layout and improve its thermal performance.</p> <p>Externally the works will involve repairing older features of the building, removing the modern lean-to and conservatory and replacing modern windows with windows comprising contextually appropriate historic design details.</p> <p>The impact of the proposed works will be an enhancement on the existing situation, particularly as a result of the</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>removal of the 20th century lean-to and conservatory.</p> <p><b>Historic England's position</b></p> <p>Having considered the comprehensive, high quality documentation submitted with the application, including the <i>Design and Access Statement</i> and <i>Heritage Statement</i> produced by Plater Claiborne Architecture and Design and the <i>Analysis of Early Phases of the House</i> by Tim Howson we are of the view that the proposed restoration and alterations to this grade II* house have been approached in an exemplary manner.</p> <p>The sensitive approach that has been adopted towards the proposed works will undoubtedly enhance this extraordinary building and appropriately safeguard the future of its historic fabric.</p> <p><b>Recommendation</b></p> <p>Historic England supports the application on heritage grounds. The application meets the requirements of the NPPF, in particular paragraph numbers 184, 192 and 193.</p>	
The National Amenities Society	The National Amenities Society have decided to make no comment on the proposal that was submitted.	Comments noted.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist in Conservation and Heritage Assets	No. 4 Silver Street is a grade II* listed building, situated in the Maldon Conservation Area. Most of the neighbouring properties are also listed buildings.	Comments noted. The conditions proposed have been imposed.

Name of Internal Consultee	Comment	Officer Response
	<p>The applications seek permission to make several alterations to the property with the aims of improving its external appearance, creating a more convenient internal layout and internally exposing and restoring elements of its historic design. The following paragraphs consider in turn the impact of the various proposals.</p> <p>The cellars beneath the property represent a very large but unused space. It is understandable that the owner should want to find some use for at least part of the complex. Only the cellar under the rear range of the house would be adapted and put into use. The plans show that a table and chairs would be introduced, so the space could be used as an unusual and atmospheric dining space. The applicant recognises that tanking or lining the walls of the cellar would severely compromise the character of the cellar, so such alterations are not proposed. Leaving all the brickwork exposed will preserve the appearance of the walls including the painted numbering on the stub partitions. Laying a floor of pavements on sand would preserve the character of the interior and would not impede the natural movement of moisture. The free-standing ventilation units will be quite discreet and should not harm the character of the space. I note that the external extracts for these ventilation units are not illustrated on the proposed elevations, but a suitably worded condition could be used to ensure they are of a sympathetic appearance.</p> <p>One partition would be removed to make this part of the cellar a more useable space. The partition in</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>question has been altered several times and is not bonded into the original walls of the cellar, indicating it is a later addition. Its removal would cause minimal harm. Most of the cellars – including many examples of stub partitions – would remain unchanged. The introduction of a secondary flight of stairs would be a more notable intervention. It would, however, affect only a small part of the cellar complex. There were steps down to this end of the cellar originally, albeit from outside the building. A narrow, high-quality, architect-designed flight of stairs – the detailing of which could be managed by condition – would in my view be an acceptable intervention. Overall, the proposed adaptation of the cellar would make it a space that could be more easily used and appreciated without compromising its special interest.</p> <p>The mid-18th-century rear range is the least-well preserved part of the house, having been altered in several ways in the third quarter of the 20th century. Several changes are proposed to improve the character and convenience of this part of the building. The northern side-porch was an unsympathetic and ramshackle late-20th century addition and I welcome its removal. The existing unsympathetic modern windows would be replaced with new windows more in keeping with the age and character of the property. The re-fenestration will involve the removal of some small areas of 18th-century wall structure, but the degree of loss would be kept to a minimum and seems justified by the positive aesthetic enhancement it will achieve. The secondary stair case proposed in the rear range between ground-floor and first-floor levels would</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>be positioned where the existing common joists are later replacements, so would involve limited loss of historic structure. Alterations to the internal layout of the rear range would involve the removal of some late-20th century partitions (including two breeze block walls at ground floor) which possess no significance, and this reorganisation seems justified by the creation of a more convenient layout.</p> <p>The most notable external alteration to the front part of the house would be the removal of the lean-to roof at the northern end of the frontage. This consists of machine-sawn pine rafters with a natural slate covering and is part of the 1919 refurbishment. The car port is an established element of the house and the street-scene and does not, in my view, detract from the special character of either. However, it is not an historically or architecturally important addition. I consider that removal of the lean-to roof would not harm the significance of the house or the conservation area. It would open up views of some of the older parts of the house and the 15th-century vicarage to the east. The existing gates would be retained, preserving some degree of enclosure to the street. At the back of the house is a dilapidated late-20th-century conservatory. The replacement of this with a new open-sided canopy would a positive improvement.</p> <p>Internally, elements of the 15th and 16th-century timber-framed structure would be exposed, repaired and partially restored where appropriate. The changes are based on an understanding of what was meant to be seen and would involve the loss of no important historic fabric. The work</p>	



Name of Internal Consultee	Comment	Officer Response
	<p>will enhance the character of the interior, better revealing the building's true antiquity. The new, breathable limecrete floor will manage moisture much more effectively, reducing the risk of future damp or decay. The limecrete floor in the position of the medieval open hall will preserve the remains of the open hearth which will be viewable under a hatch. Parts of the building require significant repair work, particularly the medieval timber-framed wall below a valley gutter which has leaked unnoticed over many years. The repair work is being specified by specialist conservation consultants and contractors which should ensure that the work is carried out to the highest and most sympathetic standards.</p> <p>To use the terminology of the NPPF and Policy D3 of the Maldon LDP, I advise that there are elements of this proposal that will cause a low level of "less than substantial harm" to the significance of the grade II listed building due to the removal of some localised areas of historic fabric. This harm is limited and decisively outweighed by the conservation benefits of the scheme (which are also public benefits for the purposes of paragraphs 196 of the NPPF), including enhancements of its external character, the exposure and restoration of important internal elements of its historic design, and sympathetic repair work which will secure the building's long-term preservation. The proposed replacement windows to the rear range would represent a modest enhancement of this part of the conservation area, insofar as there are glimpsed views of some of these windows from the street. No harm would be caused to the setting of</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>nearby listed buildings.</p> <p>For the reasons outlined above I recommend the applications are approved, subject to conditions.</p>	

#### 7.4 External Consultees

Name of External Consultee	Comment	Officer Response
The Maldon Society	<p>The removal of the carport is seen as a positive step to removing unattractive 20<sup>th</sup> century additions, along with the side porch, rear conservatory, and modern windows that detract from the purity of the original structure. The extensive scope of the remedial and renovation works is a credit to the owner, who has retained notable expertise in ensuring that the completed project is an honest and knowledgeable tribute to the history and construction of the property.</p>	Comments noted.

#### 7.5 Representations received from Interested Parties

7.5.1 **20** 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
Proposed changes will impact on the view of the streetscene and the enjoyment of neighbouring properties	Comments noted. See section 5.2 and 5.3.
Impact on neighbouring sites in terms of loss of privacy and the enjoyment of their gardens	Comments noted. See section 5.3. It is not considered that the works would harm the amenity of neighbouring occupiers.
Concerns over the development of the cellars in terms of loss of historic fabric	Comments noted. See section 5.2.
Impact on neighbouring cellar in terms of moisture/damp	It is not considered that the works would result in increased moisture and damp in neighbouring cellars. It is noted that ventilation is proposed.

Objection Comment	Officer Response
Development of cellar would set a precedent for other dwellings to do the same	Each application is assessed on its own merits. This would not be a reason to justify the refusal of the application.
The dwelling is grade II* listed	Comments noted.
Noise impacts from construction	This is not a material planning consideration and cannot be taken into account.
Concerns over the design and impact on the streetscene	Comments noted. See section 5.2.
Impact on the surrounding listed buildings	Comments noted. See section 5.2. It is not considered that the proposal would have a harmful impact on the character of surrounding listed buildings.
Concerns over the loss of the car port which is referenced in the listing	All parts of the building which were in place at the time it was listed, will be included in the listing. This does not restrict the ability to apply to alter the listed building, particularly when it is considered the proposal would enhance the character of the listed building and there would be benefits to the listed building which would outweigh the minor harm, as outlined in section 5.2. Please note that the Specialist in Conservation and Heritage Assets and Historic England fully support the proposal.
Impact from noise from ventilation unit	Comments noted. The ventilation unit is for residential use (no change of use has been applied for under this application) and therefore Environmental Health do not need to be consulted. If there is any noise nuisance resulting from this, this would be dealt with under legislation separate from planning.
Concerns over the use of the property as a party house, rented out	Comments noted. See section 5.3. This is not part of the proposal and is not a consideration for the application.
Works are already taking place	The application has not been submitted under section 73A of the Town and Country Planning Act 1990 in relation to retrospective applications.
Maldon should have a neighbourhood plan	Comments noted.

<b>Objection Comment</b>	<b>Officer Response</b>
Significant amount of changes proposed	Comments noted.
Concerns over the use of steel	Comments noted. The proposal is considered to enhance the appearance of the listed building.
Concerns over consistency with the conservation comments compared to other applications	This is not the forum to discuss conservation comments on other applications.
Inconsistencies with the proposed works to the cellar	The application has been assessed on the information provided.
Concerns over why like-for-like windows are not proposed.	Comments noted. See section 5.2 in relation to replacement windows.
Concerns have been raised over the content of the committee report, since it was published previously for the July committee.	The report is considered to be a correct assessment of the proposed development.

7.5.2 **3** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
It is good to see a property where the historical elements are retained but the building is made suitable for modern life.	Comments noted.
<p>The plans for renovating 4 Silver Street look to be of a high quality, in sympathy with the area's history and architecture.</p> <p>It is encouraging to see one of the main buildings in Silver St being improved with such attention to its conservation needs and with a focus upon the history of the house.</p> <p>The plans do not seem to be changing any visual or heritage aspect of the overall street scene.</p>	Comments noted.
I am very keen that old buildings in Maldon are maintained and appropriately modernised while keeping or enhancing the original features.	Comments noted.

## **8. PROPOSED CONDITIONS**

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

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 2017/02
  - 2017/04
  - 2017/06
  - 2017/08
  - 2017/10
  - 2017/11
  - 2017/12
  - 2017/13
  - 2017/14
  - 2017/19
  - 2017/Loc01 rev A
  - 2017 03A
  - 2017 05A
  - 2017 07A
  - 2017 09A
  - 2017 15A
  - 2017 16A
  - 2017 17A
  - 2017 18A
  - 2017 Design and Access Statement Rev A
  - Heritage Statement
  - 4 Silver Street notes by Tim Howson
  - BJHC Excavation Report 4 Silver Street
  - 4 Silver St Maldon Paint Investigation Feb 2021 low res[1]

REASON To ensure that the development is carried out in accordance with the details as approved.

3. Prior to their installation, full details including the design and specification of the ventilation units to be installed shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with these details and retained as such thereafter.

REASON To protect the amenity of neighbouring occupiers and the character of the area, in accordance with policies D1, D3 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

**GRANT LISTED BUILDING CONSENT** subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 2017/02

- 2017/04
- 2017/06
- 2017/08
- 2017/10
- 2017/11
- 2017/12
- 2017/13
- 2017/14
- 2017/19
- 2017/Loc01 rev A
- 2017 03A
- 2017 05A
- 2017 07A
- 2017 09A
- 2017 15A
- 2017 16A
- 2017 17A
- 2017 18A
- 2017 Design and Access Statement Rev A
- Heritage Statement
- 4 Silver Street notes by Tim Howson
- BJHC Excavation Report 4 Silver Street
- 4 Silver St Maldon Paint Investigation Feb 2021 low res[1]

REASON To ensure that the development is carried out in accordance with the details as approved.

3. Prior to their use in the development hereby approved, the proposed materials to be used in the external surfaces of the development hereby approved shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details and retained as such thereafter. All other materials shall be as set out within the application form/plans hereby approved.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

4. Large-scale drawings of all new windows and doors – showing elevations at 1:20 and sections through heads, cills, jambs, glazing bars and glazing – shall be submitted for approval by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

5. Large-scale drawings of the new flights of stairs shall be submitted for approval by the local planning authority prior to their installation, prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

6. Details of the location and external appearance of all new flues and extract vents shall be submitted for approval to the local planning authority, prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

7. Prior to the commencement of the development, a report by a conservation-accredited structural engineer specifying all structural repairs and alteration shall be submitted for approval to the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

8. Prior to the installation of the limecrete floor, a specification of the proposed limecrete floor – including details of its depth, extent, finish. and the manner in which the medieval hearth shall be preserved and remain viewable – shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

9. Prior to the commencement of any plastering, a specification detailing all new internal and external plaster finishes shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

10. All new rainwater goods shall be of cast metal finished black and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

11. All new external joinery shall be of painted timber and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
25 AUGUST 2021**

<b>Application Number</b>	<b>21/00588/FUL</b>
<b>Location</b>	9 Acacia Drive, Maldon, CM9 6AW
<b>Proposal</b>	Replacement dwelling.
<b>Applicant</b>	Ms Kay Broadway
<b>Agent</b>	Ms Annabel Brown – Annabel Brown Architect
<b>Target Decision Date</b>	16 August 2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor Heard because the Town Council objects to this application on the basis that its bulk, scale and design is out of keeping with the character of the street scene, in contravention of Policy D1.

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**9 Acacia Drive Maldon Essex CM9 6AW**  
 21/00588/FUL



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 Maldon District Council 100018588 2014



MALDON DISTRICT  
 COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	02/08/2021
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 south western side of Acacia Drive, within the settlement boundary of Maldon. The site is occupied by a detached bungalow, which has an attached garage and outbuildings at the rear of the garden. The surrounding area is residential in character, with properties of a mixed design, ranging from bungalows to two storey dwellings, but all with similar design features and materials. The parking area is located to the front of the site and is made from concrete and gravel.

3.1.2 Planning permission is sought for a replacement dwelling. This application follows the granting of planning permission for a replacement dwelling at the site, 20/00202/FUL. Since the approval of this application, the proposal has been amended so that it would now measure 300mm taller than the approved dwelling and would have an overall height of 7.2m. The pitched roof front projection would also be increased in height by 200mm so that it would now measure 7m high and the proposed depth would be reduced by 0.8m to measure approximately 14.2m overall. No changes would be made to the width of the dwelling which would measure 12.4m wide, or to the height of the rear projections which would measure 6.9m.

3.1.3 The proposed dwelling would have a pitched roof design with a front gable projection. At the rear, it would have an M-shaped roofline, due to the presence of double gable elements projecting 4.7m from the main body of the dwelling. The front roof slope of the dwelling would include two flat roof dormer windows measuring 1.42m in width and 1.57m in height; these have been reduced in size from the approved proposal where they previously measured 1.6m in width and 1.7m in height. The dormers would also project a reduced depth of 1.7m from the front roof slope of the property compared to the 1.8m depth of the previously approved dormers.

3.1.4 The proposed layout of the property would include, at ground floor level, a kitchen, dining area, living room, study, bedroom, bathroom and utility room. At first floor level, there would be a bathroom, two bedrooms, a dressing room, landing, as well as a recessed balcony. This is identical in nature to the extant planning permission.

3.1.5 It is noted that the material palette of the proposed dwelling has been amended so that it would now include facing brickwork and clay roof tiles. The materials of the previously approved dwelling include render, brick plinth and slate roof tiles. Zinc cladding would remain to the proposed dormers. Minor amendments would also be made to the first floor window, to the rear of the dwelling, serving the void above the kitchen dining area.

#### **3.2 Conclusion**

3.2.1 The proposed development would not be materially different to the extant permission (Reference 20/00202/FUL) for a replacement dwelling at the site and is not considered to result in a detrimentally harmful impact on the character and appearance of the site or surrounding area. Furthermore, the proposed development is also not considered to result in a harmful impact in relation to the residential amenity of neighbouring dwellings or in terms of parking provision or private amenity space. Overall, the proposal is considered to be in accordance with policies D1, H4 and T2 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF).

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

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

##### **4.1 National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

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

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

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

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

#### **5. MAIN CONSIDERATIONS**

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

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).

5.1.2 The application site is located within the settlement boundary of Maldon and therefore can be regarded as being sustainable.

5.1.3 The proposed development is for a one for one replacement dwelling which is considered acceptable. Policy H4 requires that developments for replacement dwellings would only be permitted if:

1. *The residential use of the original dwelling has not been abandoned;*
2. *The original dwelling is not a temporary or mobile structure;*

3. *The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;*
4. *The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;*
5. *The proposed replacement dwelling is of a design appropriate to its setting; and*
6. *The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*

5.1.4 Requirements 4 and 5 are assessed within section 5.2 of the report. The development complies with all other requirements and therefore, subject to the assessment below, it is considered acceptable in principle.

5.1.5 Furthermore, an extant permission under the terms of 20/00202/FUL exists at the site for a replacement dwelling, which if constructed would result in a similarly designed dwelling to that proposed under this application. It would therefore be unreasonable to object to the principle of the development, given that a development similar in appearance could be built at the site.

## **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 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;

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

5.2.5 In addition, the proposal is for a replacement dwelling. Policy H4 seeks to encourage development only if the proposed replacement dwelling is of an appropriate scale and design to the plot and its setting.

- 5.2.6 Although the height of the proposed development would be increased by 300mm, compared to that of the previously approved dwelling, this is considered to be minimal and would not be materially different to the proposal that has been previously approved at the site. The resulting height of the dwelling would be consistent with other chalet style bungalows within the streetscene including at Nos 4 and 14 Acacia Drive. Furthermore, there are many properties along this road which are two storey dwellings, including at both neighbouring sites, and therefore the proposed dwelling would not be a dominating or unduly prominent feature within the streetscene. Furthermore, although the proposed dwelling would expand nearly the whole width of the plot, due to the relatively large size of the site, this is not considered to result in an overdevelopment of the plot. In addition, it is not uncommon for dwellings along this part of Acacia Drive to expand the whole width of the plot and therefore its width would not be considered to be out of keeping with the dwellings within the surrounding area.
- 5.2.7 The principal elevation will consist of a one and a half storey gable projection, with a large glazed window in the apex and a porch to access the front door. It is not uncommon for dwellings along Acacia Drive to have front gable projections. Although most are single storey, the added height is not considered to harm the character and appearance of the site or surrounding area. Furthermore, the style and design including the glazed apex references design features within the streetscene, including at No.4 Acacia Drive. There would also be two small flat roof dormer windows on the front roof slope. Dormer windows are common features along the road. However, most dormers within the streetscene are of a pitched roof design whereas the proposed dormers have a flat roof design. Although this is not entirely in keeping with the style within the area, they are of modest proportions and would not dominate the principal elevation of the dwelling and would therefore not result in significant harm to the character and appearance of the site or surrounding area to an extent that would justify the refusal of the application.
- 5.2.8 The proposal would result in an M-shaped saltbox roofline to the rear projection with glazed doors at ground floor level and glazing to the apex of both rooflines. The view from the rear will have a modern appearance due to the roofline and use of glazing. However, due to its location to the rear of the dwelling, it would not be clearly visible from the public realm. Therefore, it is not considered to have a harmful impact on the visual amenity of the existing site or surrounding area. There would be a balcony within the southern roof apex on the rear elevation. This would be set within the dwelling and will not project out further than the rear elevation of the dwelling. Due to its location to the rear of the dwelling, it would not be visible from the streetscene and is therefore considered to be an acceptable feature.
- 5.2.9 The front of the replacement property would not extend further than the furthest front elevations of any property along Acacia Drive and therefore it is not considered that the proposal would disrupt the prevailing pattern of development within the area.
- 5.2.10 It is proposed to install solar panels on the south east rear roof slope. These would not be visible from the streetscene and therefore are not considered to result in an unacceptable impact on the character and appearance of the area.

In terms of materials, the proposal would now be constructed using brick as the materials for the walls and clay plain roof tiles. Most dwellings along this stretch of road use brick and clay roof tiles, including the existing dwelling on the application site, with some dwellings also using render. Therefore, the materials proposed are considered to be in keeping with the existing site and the surrounding area and therefore there are no objections to these. It is also proposed to use zinc cladding on

the front dormers. Whilst this would not match the materials within the streetscene, it would only be used on the front dormers which are a relatively minor part of the development and therefore this material is not considered to be so harmful as to justify the refusal of the application. Following the previous permission, details relating to the proposed Zinc materials have been discharged as part of application reference 21/05091/DET. These details, including a photo of Zinc roof finish as well as a Zinc specification document, named VMZinc Standing Seam Reprint Feb 2015, have been submitted as part of the current application. Given that these details have been found acceptable as part of the previous Approval of Details application, it is not necessary to include a condition relating to details of this material to be submitted as part of the current application.

### **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.
- 5.3.2 The neighbouring dwelling to the north west, No.7 Acacia Drive is located a minimum distance of 0.8 metres from the proposed north west elevation of the dwelling. There would be one glazed door on the elevation facing this neighbour however as this is located at ground floor level, it would not result in any harmful loss of privacy. The submitted block plan shows the rear element projecting out 5.7 metres further than the rear elevation of the neighbour. However, it is noted this neighbour has had a two-storey side extension and single storey rear extension, which is not shown on the block plan, under applications 09/00190/FUL and 16/01342/HOUSE. Taking these extensions into account, the proposed rear extension would project approximately 1.8 metres from the rear elevation of the neighbouring dwelling. Although the overall height of the property would be increased by 300mm, the height of the rear projections would not increase as part of the amended proposal. Due to the roof pitch of the rear elements, which would slope away from this neighbour, the proposal is not considered to cause a significant or unacceptable loss of light or domination to this neighbouring dwelling to an extent that would justify the refusal of the application. It is also noted that the ground level along Acacia Drive steps down in a south easterly direction. Therefore, the dwelling on the application site will be located at a lower level than the neighbouring site of No.7 Acacia Drive, which will limit any impacts the proposal may have on this neighbouring dwelling.
- 5.3.3 The neighbouring dwelling to the south east, No.11 Acacia Drive is located 2.2 metres from the proposed dwelling at the closest point. There will be two rooflights on the roof slope facing this neighbour. Due to their positioning and angle on the roof slope, they are not considered to cause significant overlooking. Due to the reduced depth of the proposed development, the dwelling would project 3 metres further than the rear elevation of this neighbour. Although the overall roof height will measure 6.9 metres high at this point, the eaves height of the part adjacent to this neighbour would measure 2.4 metres high. Due to the modest eaves height and the separation distance, the proposed replacement dwelling is not considered to result in overshadowing or domination to an extent that would justify the refusal of the application.
- 5.3.4 There are no dwellings immediately to the rear of the site as the site backs onto the far end of a neighbouring garden. Therefore, the proposed replacement dwelling is not considered to harmfully impact upon any neighbours to the south west of the site.

- 5.3.5 Although the proposal includes a first-floor balcony, it would be set within the first floor of the dwelling and would not project out further than the rear elevation of the dwelling on the application site. The proposed design would result in the roof form acting as a visibility screen that will restrict direct views into adjoining residential amenity spaces. Therefore, it will mainly look out onto the garden of the application site, although there may be some limited views of neighbouring gardens. However, any views of neighbouring gardens would mainly be of an oblique angle and would be of the far end of the gardens and therefore this is not considered to result in an unacceptable loss of privacy to an extent that would justify the refusal of the application. Two rooflights would be proposed to the side roof slopes of the front projection at the property. Given that these rooflights would serve a first-floor bathroom and are secondary windows, it would be reasonable to ensure that these windows would be obscure-glazed; a condition will therefore be attached to this effect.
- 5.3.6 All other dwellings are located at a distance where the development will not impact on their residential amenity.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.4.2 The proposal is increasing the number of bedrooms from two to three, however the requirement for two or three bedrooms remains the same; two parking spaces, measuring 2.9 metres wide by 5.5 metres deep. The proposal includes the removal of the existing garage. However, a front driveway is proposed at the site which would accommodate two car parking spaces of the correct dimensions. The proposed parking area is therefore of a sufficient size to provide at least two parking spaces of the required size which is considered appropriate. It is therefore considered that suitable parking would be provided and the proposal would not result in additional parking on the highway to the detriment of its users.
- 5.4.3 It is noted that the Essex County Council Highways (ECC) have stated that the proposal would be acceptable subject to relevant highways conditions. However, Highways did not comment on the previously approved application, and as such no conditions were included relating to Highways. Given that the proposed development would utilise an existing crossover and no changes are proposed to this access point it is not considered reasonable to include any conditions relating to the access. However, as the proposal includes the provision of two car parking spaces to the front of the replacement dwelling, in the interests of highway safety, it would be reasonable to include a condition relating to the provision of this parking, prior to the first occupation of the dwelling; a condition will therefore be included to this effect.

#### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.



5.5.2 As a result of the proposed development, the resultant garden would be in excess of 400sqm. Therefore, the proposal is in accordance with this aspect of policy D1 of the LDP.

5.5.3 Although a landscape plan has been provided, it includes minimal details about the soft and hard landscaping proposed. The plan shows where the driveway, path, patio and planting will be located. However, it provides no details as to the material or plants to be used, or what materials would be used for the hard landscaping. It is also noted that the landscape plan does not correlate with the proposed block plan submitted. Therefore, it is not considered that sufficient details have been provided to discharge the previous condition relating to the submission of these details, which was included as part of the previous permission. To ensure that the proposal would enhance the visual amenity of the surrounding area, these details can be secured by an appropriately worded condition which will be included to this effect.

## 6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
14/00733/HOUSE	Single storey side and rear extensions to existing bungalow.	Withdrawn
15/00014/HOUSE	Single storey side and rear extensions to existing bungalow.	Withdrawn
15/00334/HOUSE	Single storey rear extension to existing bungalow.	Withdrawn
15/01150/LDP	Claim for lawful development certificate: Proposed single storey side and rear extension.	Approved
16/00304/HOUSE	Two storey rear extension and part two storey/part single storey side extension to existing bungalow	Approved
19/00449/HOUSE	One and a half storey front, rear and side extension, two front dormers, roof lights to rear, solar panels to rear, rear balcony and change of all materials.	Approved
20/00202/FUL	Replacement dwelling.	Approved

## 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 of this application due to its bulk, scale and design which is out of keeping with the street scene in contravention of Policy D1.	Noted. Please see Section 5.2.

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	Acceptable subject to relevant conditions.	

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Recommended conditions relating to surface water foul drainage and Construction Management Plan.	Noted. Whilst a condition relating to a Construction Management Plan has been recommended, this was not included on the extant permission 20/00202/FUL. Given that a replacement dwelling can be constructed at the site without the need for submitting this information, it would be unreasonable to request this as part of the current application. Nevertheless, an informative has been recommended below to remind the applicant ensure the control of nuisances during constructions works to preserve the amenity of the area.

## 7.4 Representations received from Interested Parties

No representations have been 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 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A14390/Loc00; A14390/PP01; A20390A/PP02 Rev B; A20390A/PP01 Rev B; VMZinc Standing Seam Design and Specification Requirement February 2015.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved and shall be retained as such thereafter.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layout;
  - iv. Hard surfacing materials;
  - v. Minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting);

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

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

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD and the National Planning Policy Framework.

- 5 Prior to any works above ground level, details of the surface water and foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 6 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or flank elevations of the building hereby permitted, nor shall any extensions be erected within the site, without planning permission having been obtained from the local planning authority.

REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 7 Prior to first occupation of the development, the onsite vehicle parking of two off-street parking spaces shall be provided as shown in principle on planning drawing No.A20390A/PP02 Rev A. The vehicle parking areas shall be retained in the agreed form in perpetuity.

REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T2.

- 8 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the north west and south east elevations as shown on drawing no. A20390A/PP01 Rev B shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.  
REASON To protect the amenity of the future occupiers and neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

## **INFORMATIVES**

- 1 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
- 2 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
  - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) no dust emissions should leave the boundary of the site;
  - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is a requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.