

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

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

07 December 2021

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 15 DECEMBER 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 press who wish to attend or a member of the public who wishes to 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	Vacancy
VICE-CHAIRMAN	Councillor Mrs J C Stilts
COUNCILLORS	Miss A M Beale
	M R Edwards
	M S Heard
	B B Heubner
	K M H Lagan
	C Mayes
	S P Nunn
	N G F Shaughnessy
	C Swain





**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

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**WEDNESDAY 15 DECEMBER 2021**

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 8)

To confirm the Minutes of the meeting of the Committee held on 17 November 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. **21/01020/HOUSE - 21/01021/LBC - Josua, 4 Silver Street, Maldon, Essex, CM9 4QE** (Pages 9 - 26)

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

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

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**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) 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

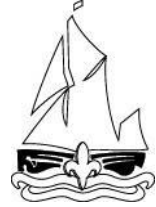
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### 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  
17 NOVEMBER 2021**

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**PRESENT**

Vice-Chairman                      Councillor Mrs J C Stilts  
(in the chair)

Councillors                              Miss A M Beale, M S Heard, B B Heubner, K M H Lagan,  
S P Nunn and C Swain

**376. CHAIRMAN'S NOTICES**

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

**377. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M R Edwards, C Mayes and N G F Shaughnessy.

**378. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 20 October 2021 be approved and confirmed.

**379. DISCLOSURE OF INTEREST**

Councillor Miss A M Beale declared that she had carried out a litter pick with the general manager of the premise and had talked about this application.

Councillor K M H Lagan declared a non=pecuniary interest as he had visited the restaurant many years ago.

**380. 21/00813/ADV - MCDONALD'S FULLBRIDGE ESSEX CM9 4LE**

Application No:	<b>21/00813/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:	29 October 2021 - EoT until 19th November 2021
Parish:	<b>MALDON</b>
Case Officer:	Hannah Dungate
Reason for referral to Committee:	<b>Previous Committee Decision</b>

Councillor C Swain proposed that should Members be mindful to approve the application, an additional condition be added to specify that the new digital signs and booth screen are only illuminated during business hours. This was duly seconded and upon a vote being taken agreed.

Councillor M S Heard proposed that the Officers' recommendation with the amendment from Councillor Swain be agreed. The Chairman put this proposal to the Committee and this was duly agreed.

**RESOLVED** that Advertisement Consent be **GRANTED** subject to the following conditions:

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
7. The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.
8. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

REASON To protect the visual amenity of the surrounding area in accordance with policy D1 of the approved Local Development Plan and the guidance contained within the National Planning Policy Framework

There being no other items of business the Chairman closed the meeting at 7.42 pm.

MRS J C STILTS  
CHAIRMAN





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
15 DECEMBER 2021**

<b>Application Number</b>	<b>21/01020/HOUSE &amp; 21/01021/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 N Bresler - Eleven Cromwell Hill Ltd
<b>Agent</b>	Mr Simon Plater - Plater Claiborne Architecture And Design
<b>Target Decision Date</b>	17.12.2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Resubmitted application following a previous refusal by an Area Committee which was contrary to the Officer's recommendation.

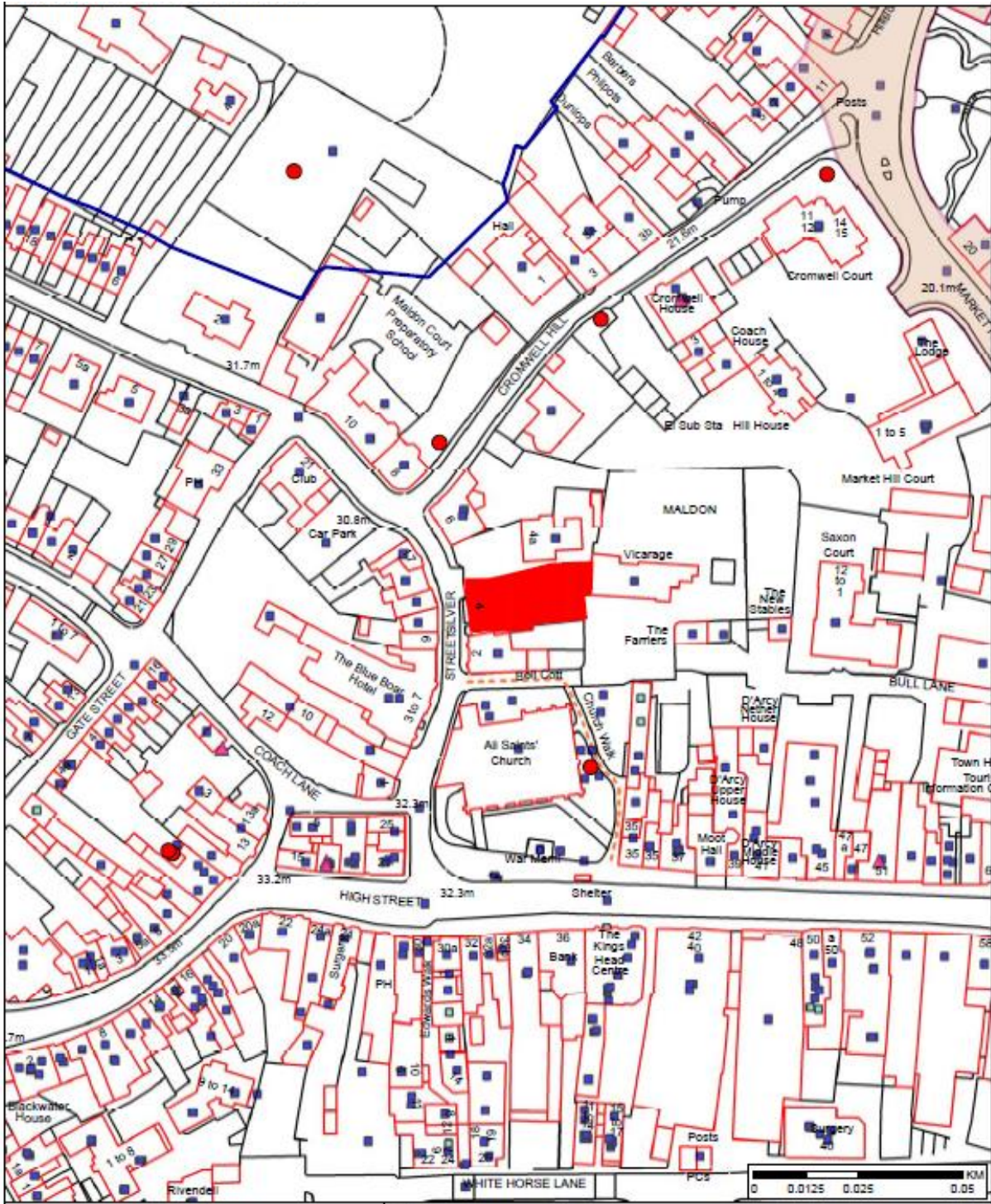
**1. RECOMMENDATION**

**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 curved road, sloping downhill to the north, and lined by handsome vernacular houses. The Maldon Conservation Area Review and Management Plan (2006) observes that Silver Street '*is in many ways close to perfection in appearance*' (p. 40).
- 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-16<sup>th</sup> 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. In the late-16<sup>th</sup> century the single-storey medieval hall was rebuilt as a two-storey structure and in the mid-18<sup>th</sup> century the house was radically altered again, including the demolition of the northern cross-wing (now occupied by the lean-to carport) and a two-storey range was added to the rear of the hall. In the 20<sup>th</sup> century, the rear range was considerably altered, with a new side porch, new windows and some internal partitions introduced at this date. Some of these modern alterations detract from the historic character of the house. No. 4 Silver Street is therefore the complex product of numerous phases of alteration and extension.
- 3.1.4 This application follows another application (21/00297/HOUSE and 21/00298/LBC refers) for similar development which was previously presented to members at the Central Area Planning Committee on Wednesday 28 July 2021, whereby the application was deferred to allow for a members' site visit. The site visit took place on Tuesday 16 August 2021 and the application was finally heard at Central Area Planning Committee on 25 August 2021 where it was resolved to refuse the application for the following reason:
- 'The proposed development would result in harm to the character and appearance of the dwelling, the site and the surrounding area which is a conservation area, contrary to policies D1 and D3 of the Maldon District Local Development Plan.'*
- 3.1.5 Since the previous application, the proposal has been amended so that it would no longer include the removal of the 20<sup>th</sup> century side lean-to element of the building. There are also no longer any changes proposed to the existing cellar and during the life of the application amended plans have been received so that the introduction of two steel doors within the cellar have now been omitted from the proposal.
- 3.1.6 More specifically, the proposal relates to the following works:
- Internal works:
- Addition of secondary timber staircase in the rear range.
  - Removal of some late-20<sup>th</sup> century partitions within the rear range due to alterations to the internal layout.

- Exposing of timber-framed structure within the front range.
- Installation of new limecrete floor throughout ground floor.

External works:

- Demolition of the unsympathetic northern side-porch.
- Removal of dilapidated late-20<sup>th</sup> century rear conservatory and replacement with external open-sided canopy.
- Render over some exposed timber framing of the northern flank elevation of the front range.
- Replacement of modern windows with windows more in keeping with character and age of property.
- Replacement of first floor rear window with weatherboarding.
- Alterations to fenestration including infilling of first floor rear (east) window with weatherboarding and addition of first floor side window within south elevation.

### **3.2 Conclusion**

- 3.2.1 The proposal is supported by both English Heritage and the Council's Conservation and Listed Building Specialist, as being an exemplary proposal for this listed building, being comprehensive and sensitive in its approach to the proposed restoration works. It is also considered that the proposal would 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 would also preserve the character and appearance of the site and the 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) 2017
- Maldon District Vehicle Parking Standards (VPS)
- 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 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 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 (2017) both provide 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 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.
- 5.2.8 The mid-18<sup>th</sup> century rear range is the least-well preserved part of the house, having been altered in several ways in the 20<sup>th</sup> century. Several changes are proposed to improve the character and convenience of this part of the building. The northern side-porch is an unsympathetic and ramshackle late 20<sup>th</sup> 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 secondary staircase proposed 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 20<sup>th</sup> century partitions (including two breeze block walls at ground floor) which also possess no significance.
- 5.2.9 At the rear (east) of the front range is a dilapidated late 20<sup>th</sup> century conservatory. The replacement of this with a new open-sided canopy would improve the appearance of this part of the building and would provide shelter to a fine mid-18<sup>th</sup> century door. On the flank (northern) elevation of the front range, beneath the retained carport, some exposed timber framing at the lower level would be rendered over. This framing is mostly modern and was not intended to be exposed. Subject to the use of an appropriate, breathable lime render which can be managed via condition, this work would result in no harm to this part of the building.
- 5.2.10 Internally, within the front range, elements of the 15<sup>th</sup> and 16<sup>th</sup> 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.
- 5.2.11 It is noted that the Council's Specialist in Conservation and Heritage supports the proposal. A consultation response from Historic England states that the proposed

restoration and alterations have been approached in an exemplary manner and 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.

5.2.12 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.

5.2.13 To use the terminology of the NPPF and Policy D3 of the MDLDP, it is considered that subject to relevant conditions, overall, the proposal would result in no harm to the significance of the listed building or the conservation area. The applications therefore pose 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.

### **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. However, as there will be no reduction in

the provision of parking at the site and 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 MDDG (2017) 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
- **21/00297/HOUSE & 21/00298/LBC** - Restoration and alterations to exterior and interior of the existing house. – 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 notes the amended plans and documents and continues to recommend refusal of these applications due to the excessive and unnecessary alterations to the structure of the Grade II* Listed Building and the resulting visual impact, contrary to Policies D1 and D3 of the Maldon District Local Development Plan.	Comments noted. The response from the Specialist in Conservation and Heritage has been received and is set out below in section 8.3.

### 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>	Comments noted.



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>This late 16<sup>th</sup> and 17<sup>th</sup> century house is timber-framed and rendered with gabled plain tile roofs and has a long two storey 17<sup>th</sup> century rear extension with a gabled plain tile roof and black weatherboarded first floor. House is of two unequal but parallel wings at right-angles to street and is of two storeys with an extensive 19<sup>th</sup> century cellar.</p> <p>The front has two gables with 19<sup>th</sup> 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 17<sup>th</sup> century stack through the rear of the ridgeline of the northern wing that has two diagonal shafts and a large 19<sup>th</sup> 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 20<sup>th</sup> century windows. The ground floor has a 20<sup>th</sup> century glazed lean-to bay, bow and other modern windows.</p> <p>Internally there is a very high quality 16<sup>th</sup> 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 18<sup>th</sup> 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 cartouche; an arched fire opening of four straight cants, carved spandrels with blank shields and quadrant-moulded jambs with vase stops.</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>A smaller fireplace in the south wing has a semi-circular hearth. On the ground floor is the surviving jamb of a late 16<sup>th</sup> door opening and, above a fireplace, an early painted harvest scene.</p> <p>The rear extension range is part 17<sup>th</sup> century with much reused timber and a stack with a hole in the flank for a smoking chamber. There are very extensive late 19<sup>th</sup> century 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 primary aim of the proposals is to improve its thermal performance by reconfiguring the internal layout.</p> <p>Historic England were consulted in May 2021 on similar proposals for this dwelling (LBC/MAL/31/00298) and we stated our support for those proposals in our response of June 2021.</p> <p>The current proposals are very similar to those previously submitted, except for two elements that have been eliminated from the current scheme:  The 20<sup>th</sup> century lean-to is to be retained and the existing gates refurbished.  The existing cellar complex is to be retained with no alterations; other than the insertion of two metal doors at the bottom of the existing staircase which will perform the function of sealing off the cellars.</p> <p>Modern windows will be replaced with windows comprising contextually appropriate historic design details.</p> <p>The impact of the proposed works will be a significant enhancement on the existing situation.</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p><b>Historic England's position</b></p> <p>Having considered the comprehensive documentation submitted with the application, including the revised <i>Design and Access Statement Rev B</i> and <i>Heritage Statement Rev A</i> produced by Plater Claiborne Architecture and Design, together with 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> 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	No response received at time of writing report.	Noted.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist in Conservation and Heritage	<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 mid-18<sup>th</sup> century rear range is the least-well preserved part of the house, having been altered in several ways in the third quarter of the 20<sup>th</sup> century. Several changes are proposed to improve the</p>	Comments noted. The conditions proposed have been imposed.

Name of Internal Consultee	Comment	Officer Response
	<p>character and convenience of this part of the building. The northern side-porch was an unsympathetic and ramshackle late-20<sup>th</sup> 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 18<sup>th</sup> 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 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-20<sup>th</sup> 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 and efficient layout.</p> <p>Initially, the latest scheme proposed the introduction of two galvanized steel doors in the cellar. Concerns were raised by the Town Council about these doors, so they have now been omitted from the proposal.</p> <p>At the back (east) of the front range there is a dilapidated late-20<sup>th</sup> century conservatory. The proposal to replace this conservatory with a simple, open-sided canopy would improve the appearance of this part of the building and provide shelter to a fine mid-18<sup>th</sup> century door. On the flank (north) elevation of the front range, beneath the retained carport, some exposed timber framing at the lower level would be rendered over. This framing is mostly modern and was not intended to be exposed. Subject to the use of an appropriate, breathable lime render (which can be managed via condition), this work will result in no harm to this part of the building, and will achieve greater depth in the wall for insulation.</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>Within the front range, elements of the 15<sup>th</sup> and 16<sup>th</sup> 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 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, in conjunction with appropriate conditions ensuring oversight of the work by the Council, should ensure that the work is carried out to the highest and most sympathetic standards.</p> <p>In an effort to address the concerns raised by several objectors, the applicant has omitted those elements which seemed to be of concern. The cellars and the early-20<sup>th</sup> century side lean-to would now remain completely untouched. Despite these amendments, several objections to the present scheme have been received, including from the Town Council, and I have given these representations careful consideration in making my assessment. The main concerns of the objectors seem to be the extent of the work, which they regard as excessive, and the unwelcome precedent the scheme would set if it were approved. However, what is relevant in determining the applications is not the extent of the work proposed (i.e. the number of windows being replaced or the number of en-suite bathrooms being introduced) but the impact of the alterations on the significance of the property as a listed building and the significance of the conservation area. The purpose of conservation legislation and</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>policy is not to prevent all change but to manage change in a way that preserves (or if possible, enhances) the significance of listed building and the conservation area as heritage assets. The current proposals have been based upon an unusually high degree research to determine the building's significance and the design has been carefully considered to respect and reinforce that significance. As with the previous scheme, Historic England has supported the proposals, commenting that they have 'been approached in an exemplary manner'. I share Historic England's view. If approved and well executed this scheme would set a welcome precedent for how works to listed buildings can be approached sympathetically.</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 Maldon Society supports the application.</p> <p>The restoration, repair and sympathetic modifications proposed are needed to ensure that this impressive Grade II* dwelling is saved from further deterioration and past indifferent alterations.</p>	Comments noted.

#### 7.5 Representations received from Interested Parties

7.5.1 15 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.
Concerns over the development of the cellar, particularly the inclusion of the steel doors and escape lobby.	Comments noted. There are no longer any changes proposed to the cellar and the steel doors have been removed from the proposal.
Concerns that the property is being developed rather than renovated for domestic use.	Comments noted. See section 5.3. The application relates to the physical alterations of the building only and the

<b>Objection Comment</b>	<b>Officer Response</b>
	use of the building is not a consideration for the current application.
Concerns about the extent of work proposed.	Comments noted. The extent of the work proposed has been considered in the assessment above.
Concerns about why an extra staircase, bedrooms, bathrooms and fire protected corridor is needed. The changes go beyond what would be reasonably expected for a domestic dwelling.	The use of the building is not a consideration for the current application.
Such substantial changes would set a precedent for other listed building owners 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.
Concerns over the design and impact of the re-positioning and replacement windows and impact on listed building and street scene.	Comments noted. See section 5.2. Please note that the Specialist in Conservation and Heritage, and Historic England, fully support the proposals.
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 that the building is idling away waiting for restoration. Lack of roof tiling and open window at property will cause damage to property with the seasonal winter weather.	Should the application be approved, works will be able to be undertaken to restore the property as intended.
Concerns over the replacement open-sided canopy at the rear of the property which indicates a smoking area.	Comments noted. Smoking could happen within the rear garden of the property without the construction of a glass canopy and is not therefore a material consideration for the application.
Concerns over consistency with the conservation comments compared to other applications.	It is not appropriate to discuss conservation comments on other applications and is not a material consideration for this application.
Inconsistencies with the application.	The application has been assessed on the information provided, which is considered to be consistent .

7.5.2 **1** letter was 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>
The applicant is committed to restoring the house after years of neglect and intentions should be encouraged.	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/Loc01 rev A
  - 2017/02 Rev B
  - 2017/03 Rev B
  - 2017/04 Rev B
  - 2017/05 Rev C
  - 2017/06 Rev B
  - 2017 07 Rev B
  - 2017/08 Rev B
  - 2017/09 Rev B
  - 2017/10 Rev B
  - 2017/11 Rev B
  - 2017/12 Rev C
  - 2017/13 Rev B
  - 2017/14 Rev B
  - 2017/15 Rev B
  - 2017/16 Rev B
  - 2017/17 Rev B
  - 2017/18 Rev C
  - 2017/19 Rev B
  - 2017 Design and Access Statement Rev C
  - Heritage Statement Rev B
  - 4 Silver Street notes by Tim Howson
  - BJHC Excavation Report 4 Silver Street
  - 4 Silver St Report on the Interior Decoration Feb 2021REASON: To ensure that the development is carried out in accordance with the details as approved.

**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/Loc01 rev A
  - 2017/02 Rev B
  - 2017/03 Rev B
  - 2017/04 Rev B
  - 2017/05 Rev C
  - 2017/06 Rev B
  - 2017 07 Rev B
  - 2017/08 Rev B
  - 2017/09 Rev B
  - 2017/10 Rev B
  - 2017/11 Rev B



- 2017/12 Rev C
- 2017/13 Rev B
- 2017/14 Rev B
- 2017/15 Rev B
- 2017/16 Rev B
- 2017/17 Rev B
- 2017/18 Rev C
- 2017/19 Rev B
- 2017 Design and Access Statement Rev C
- Heritage Statement Rev B
- 4 Silver Street notes by Tim Howson
- BJHC Excavation Report 4 Silver Street
- 4 Silver St Report on the Interior Decoration Feb 2021

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

- 3 Large-scale drawings of all new windows and doors – showing elevations at 1:20 and sections through heads, cills, jambs, glazing bars and glazing at 1:2 – 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.

- 4 Large-scale drawings of the new flights of stairs 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 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.

- 6 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.

- 7 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.

- 8 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.

- 9 All new rainwater goods shall be of cast metal finished black unless otherwise approved in writing prior to their installation 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 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.