

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

08 March 2022

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 16 MARCH 2022 at 7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance
COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor K M H Lagan
VICE-CHAIRMAN	<i>To be appointed</i>
COUNCILLORS	Miss A M Beale M R Edwards M S Heard B B Heubner C Mayes S P Nunn N G F Shaughnessy Mrs J C Stilts C Swain 1Vacancy





**AGENDA
CENTRAL AREA PLANNING COMMITTEE**

WEDNESDAY 16 MARCH 2022

1. **Chairman's notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 27 January 2022 (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. **21/01283/FUL - New Lodge, Dykes Chase, Maldon, Essex, CM9 6HP** (Pages 13 - 34)

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

6. **21/01334/FUL - Police Station, West Square, Maldon, Essex, CM9 5PA** (Pages 35 - 48)

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

7. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman of the Committee for the remainder of the municipal year.

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

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 and 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

* 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
27 JANUARY 2022**

PRESENT

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

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 and
C Swain

472. CHAIRMAN'S NOTICES

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

473. APOLOGIES FOR ABSENCE

There were none.

474. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 15 December 2021 be approved and confirmed.

475. DISCLOSURE OF INTEREST

There were none.

476. 21/01025/FUL - LAND WEST OF SOUTH BANK, CROMWELL LANE, MALDON, ESSEX

Application Number	21/01025/FUL
Location	Land West of South Bank, Cromwell Lane, Maldon, Essex
Proposal	Single storey 3 bedroom dwelling
Applicant	Messrs Peter and Ben Hemmersley
Agent	Mark Jackson - Mark Jackson Planning
Target Decision Date	28.01.2022
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Departure from approved Maldon District Local Development Plan and Officers recommend that permission be granted.

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

In response to comments raised, the Specialist – Development Management and Senior Specialist Coordinator – Development Management provided the Committee with the following information:

- A condition regarding the archaeology of the site had been included following consultation and recommendation from Essex County Council (ECC) Archaeology.
- No visibility splays were recommended by the Highways Authority as the site was on a private unadopted road over which it had no jurisdiction. In respect of visibility splays the Officer commented on the public right of way across the frontage of the site and advised that if minded to approve the application, Members could add a condition requiring details of that access point to be submitted for approval which would include visibility splays and surfacing
- A condition requiring details of ground levels and finished floor levels had been proposed to ensure there was no deviation from what was proposed and offered protection in terms of the movement of spoil and ground level changes within the site.
- A proposed condition to cover ecology and biodiversity had been included.
- Electric vehicle charging points were not shown in the application but there was a proposed condition requiring details of them to be submitted and approved.
- The quality of life for the occupiers of the proposed dwelling in relation to natural light would be satisfactory.

Councillor K M H Lagan proposed that, if Members were mindful to approve the application, an additional condition regarding the submission of visibility splays for approval based on safety grounds be added.

The proposal from Councillor Lagan was duly seconded and the Committee agree to add this to the list of proposed conditions.

Councillor C Mayes proposed that the application be approved, subject to the conditions detailed in the report with the additional condition agreed. This proposal was duly seconded and agreed by asset.

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 as follows:
 - PL01rev.A
 - PL02
 - PL03
 - PL04rev.A
 - PL05rev.A
 - PL06rev.A
 - PL07rev.A
 - PL08rev.A
 - Arboricultural Impact Assessment
- 3 No development above slab level shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.

- 4 No development above slab level shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed as approved prior to the first occupation of the development and be retained as such thereafter.
- 5 The parking spaces and means of access proposed shall be constructed, surfaced, laid out and made available for use in accordance with the approved scheme along with the provision of an electric vehicle charging point prior to the occupation of the dwelling and retained as such thereafter.
- 6 No development shall take place above slab level until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first 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.
- 7 Prior to the occupation of the dwelling hereby permitted, a schedule of land management for the site shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of proposals for the management of the application site, including land maintenance. The site shall be maintained in accordance with the approved details.
- 8 No development shall take place until details of the existing and proposed ground levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried-out in accordance with the approved details.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works
- 10 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in

- volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.
- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Low Impact EcIA (Hybrid Ecology Ltd, November 2021) submitted with the planning application.
- 12 No development above slab level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the local planning authority following the recommendations made within the Low Impact EcIA (Hybrid Ecology Ltd, November 2021). The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance.
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 13 The dwelling hereby permitted shall not be occupied until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. No other external lighting shall be installed without prior consent from the local planning authority.
- 14 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).
- In order to satisfy the soakaway condition details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled will be required. Where the local planning authority accepts discharge to an adopted sewer network, written confirmation from the statutory undertaker that the discharge will be accepted will be required.
- 15 No development works above ground level shall occur until details of the foul drainage scheme to serve the development has been submitted to and agreed

- in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 16 No development (including any site clearance or groundworks of any kind) shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the local planning authority. If the approved assessment concludes that a programme of archaeological work is required, no development (including any site clearance or groundworks of any kind) shall take place until a programme of archaeological work has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.
- 17 No development shall take place until details of arboricultural supervision visits to ensure the tree protection measures as set out in the Arboricultural Impact Assessment are set-up and maintained, along with details of any tree management works to be undertaken and when have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.
- 18 The public's rights and ease of passage over public footpath 4 (Maldon) shall be maintained free and unobstructed at all times.
- 19 The dwelling hereby permitted shall not be beneficially occupied until visibility splays either side of the proposed vehicular access to the site from Cromwell Lane have been provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The visibility splays shall be retained, as approved, thereafter

477. TO APPOINT A CHAIRMAN FOR THE COMMITTEE

Councillor Mrs J C Stilts advised that whilst she had chaired the last few meetings of this Committee she was doing so in her capacity as Vice-Chairman and therefore appointment of a Chairman was required.

Councillor S P Nunn proposed that Councillor K M H Lagan be nominated to the position of Chairman of this Committee. This proposed was duly seconded.

Councillor C Mayes proposed that Councillor Mrs Stilts be nominated to the position of Chairman of this Committee. This proposal was duly seconded.

In accordance with Procedure Rule No. 13 (3) Councillor S P Nunn requested a recorded vote.

At this point Councillor Mrs Stilts advised that she was resigning from her position as Vice-Chairman of this Committee.

There were no other nominations. Members were advised that they needed to vote for either Councillor Lagan or Councillor Mrs Stilts as the nominated Members or chose to abstain. The voting was as follows:

For Councillor K M H Lagan:

Councillors Miss A M Beale, M S Heard, B B Heubner, K M H Lagan, S P Nunn, N G F Shaughnessy and C Swain.

For Councillor Mrs J C Stilts:

Councillors M R Edwards, C Mayes and Mrs J C Stilts.

Abstention:

There were none.

The Chairman declared that Councillor Lagan was elected as Chairman of this Committee and congratulated him on this appointment.

In response to a question regarding appointment of a Vice-Chairman, it was clarified that this would be carried out at the next meeting of the Committee.

There being no further business the Chairman closed the meeting at 8.05 pm.

MRS J C STILTS
CHAIRMAN



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
16 MARCH 2022**

Application Number	21/01283/FUL
Location	New Lodge Dykes Chase Maldon Essex CM9 6HP
Proposal	Demolition of the existing garage and erection of a new dwelling
Applicant	Mrs Ward & Mr Titchmarsh
Agent	Andrew Ransome - ADP Ltd
Target Decision Date	14.02.2022 EOT requested
Case Officer	Hannah Bowles
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor N G F Shaughnessy – Policies D1, D3 and H4.

1. RECOMMENDATION

APPROVE subject to a legal agreement to secure the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution and 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 application site is located to the north of Dykes Chase, which is accessed off Beeleigh Road, is within the Maldon Conservation Area and adjacent to the Chelmer and Blackwater Navigation Conservation Area (to the west of the site). The site is also within the vicinity of two listed buildings, a locally listed heritage asset and historical garden (Leech Memorial Garden); as such it is considered to be within a sensitive historic location. The front half of the site (south) falls within the settlement boundary of Maldon, whilst the rear of the site (north) falls just outside.
- 3.1.2 The site forms the western part of the residential curtilage of the dwelling 'New Lodge', which is located to the south-east of the site. The site is currently occupied by a single storey flat roof garage building and associated hard standing, which is located to the front of the site and serves the main dwelling at New Lodge. Beyond the garage building the site is laid to grass, but also contains a number of trees and thick vegetation along the western boundary. The topography of the site and the northern side of the slopes steeply downwards from south to north. There is a public right of way which runs directly along the frontage of the site.
- 3.1.3 Planning permission is sought for the sub-division of the existing residential plot which occupies the dwelling 'New Lodge', the demolition of the existing double garage associated with the dwelling and its replacement with a new two storey dwelling with a mezzanine floor within the roof space and a lower ground floor. The proposed house would benefit from an amenity space to the rear, with steps leading down into the garden via a side access which would adjoin Hillyfield, a retaining wall adjoining the shared boundary with New Lodge and parking spaces on the existing hard surfacing to the front of the site. The dwelling would provide three bedrooms.
- 3.1.4 The proposed dwelling has been designed to respond to the topography of the land. It would feature three floors of accommodation. However, the front elevation, visible from the public highway, would appear as a chalet bungalow with a gabled front elevation. The proposed dwelling would measure 9.1m wide, 12.4m deep with a rear balcony which would measure 3m deep and extends the width of the dwelling (and serves the first floor). The dwelling would have a maximum eaves height of 5.45m and maximum ridge height of approximately 10.1m. However due to the front of the site being at a higher level, when viewed from the front it would measure 2.9m high to the eaves and 7.3m in height to the highest point.
- 3.1.5 The site has previously benefited from approved planning permission 10/00767/FUL which proposed a new dwelling and replacement garage and the demolition of the existing garage. The dwelling approved under the terms of the 2010 permission is similar in terms of siting, form and scale, although the previous ridge height extended 6.5m from ground level to the front and 8.5m from the rear. This permission was not implemented and has since expired. Although 12 years have passed and the policy position has significantly change since the determination of the previous approval, it remains a material consideration in the determination of this application.
- 3.1.6 The proposed garden office shown in principle on the submitted block plan does not form part of this application, as annotated on the plan 'Proposed garden office to be considered under a separate planning application'.

3.2 Conclusion

- 3.2.1 The application site has previously been found acceptable for the development of a dwellinghouse under the terms of application reference 10/00637/FUL. The site is located in a sustainable location, within walking distance of many of the facilities and services available in Maldon town centre and is served by a range of sustainable transport options. Therefore, no concerns in respect of the principle of the development are raised.
- 3.2.2 The proposed dwelling, on balance, is considered to have an acceptable visual impact on the site, surrounding conservation area and heritage assets and would have an acceptable impact on the amenity of neighbouring occupiers. Further, New Lodge and the new proposed dwelling would be served by an acceptable level of amenity space and could accommodate the required car parking provision. Therefore, the proposed development is considered to be in compliance with the relevant policies contained within the Local Development Plan (LDP) and guidance set out 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:

- 2-14 Achieving Sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 104-113 Promoting Sustainable Transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-182 Conserving and enhancing the natural environment
- 184 – 202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- Maldon Conservation Area Review and Management Plan
- Maldon District Design Guide (MDDG)
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Planning Practice Guidance (PPG)

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 LDP.

5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS).

5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 8, of the NPPF which states:

"For decision taking this means:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

"(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

"(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 8 – 8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot

be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).

- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out of date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted'.
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up-to-date five-year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three-dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 The proposed dwelling would be located within the settlement boundary for Maldon and would therefore comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements, thereby preserving the appearance and character of the countryside. Maldon is recognised as being a 'Main settlement', with a range of services and opportunities for employment, retail and education, serving a wide catchment area and containing good public transport links. On this basis the site is regarded to be within a sustainable location in terms of accessibility to service, facilities and public transport options.
- 5.1.9 Further, as set out above the site has previously benefited from approved planning permission 10/00767/FUL which proposed a new dwelling and replacement garage and the demolition of the existing garage. This permission was not implemented and has since expired and given the length of time that has lapsed since the determination of the previous application and the change in policy position, the previous application would carry limited weight. However, weight should be given to the fact the site was previously found acceptable for the provision of a dwelling and the level of built form which was found to be acceptable at the site at that time, particularly as there has been no significant changes to the site and surrounding area.
- 5.1.10 Having regard to the accessibility of the site and the planning history, it is considered that there is no objection raised to the principle of a dwelling in the proposed location.

5.2 Housing Need

- 5.2.1 Due to the Council being unable to demonstrate a five-year housing land supply at this current time, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up to date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Whilst the LDP carries less weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.
- 5.2.3 The Housing Needs Assessment (2021) (HNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The HNA is wholly compliant with the latest NPPF and PPG, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.4 The proposed development would provide one three bed dwelling. The HNA concludes that the District has a need for smaller dwellings, specifically 2 and 3 bed dwellings. The biggest requirement is for 3 bed dwellings: specifically, 40-50% for 3 beds and 25-35% for 2-beds. Therefore, although limited positive weight can be attributed to this, due to the provision of a single dwelling, a minor benefit in this respect can be drawn from this aspect of the proposal.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.3.3 In addition, 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 heritage assets. Similarly, policy D3 of the approved Maldon District LPD 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.

- 5.3.4 The proposed development involves the sub-division of the existing residential plot which occupies the dwelling 'New Lodge', the demolition of the existing garage associated with the dwelling and its replacement with a new two storey dwelling with a mezzanine floor within the roof space.
- 5.3.5 As previously set out the site has benefited from approved permission 10/00767/FUL, which granted a dwelling and garage at the application site. Whilst it is noted that this permission has expired, that the previous level of development was found to be acceptable at the site is considered to carry moderate weight in the determination of this application, given that the site and surrounding area have not significantly changed.
- 5.3.6 The dwelling previously found acceptable measured approximately 12m by 9m, 6.5m in height when viewed from Dykes Chase increasing to 8.5m in height to the ridge of the rear elevation overlooking the River Blackwater. The dwelling was served by an attached garage which projected 3.24m from the front elevation and a rear facing balcony with a high level of glazing within the rear elevation.
- 5.3.7 The dwelling proposed under the terms of this application would have similar dimensions, being 9.1m wide and 12.4m deep and would also be served by a rear balcony. Further, the proposed dwelling has been sited in a similar position to the previously approved dwelling; being marginally further from the boundary with Hillyfield at 1.9m, with a separation distance ranging between 8.3m-8.6m dwelling to dwelling. The dwelling would have a separation distance ranging between 2.34m - 4.05m from the boundary with New Lodge, with a distance ranging between 5.4m - 5.9m dwelling to dwelling. The dwelling would be set back 13.2m from Dykes Chase, the previously approved dwelling was sited around 9.6m from the public highway.
- 5.3.8 The most notable differences between the two schemes is the height, which has notably increased, alongside the omission of the garage and its altered appearance.
- 5.3.9 The dwelling would have a maximum height of approximately 10.1m. However, when viewed from the front (Dykes Chase) it would appear to measure 7.5m in height. The proposed height would increase the visual impact compared to what was previously found to be acceptable at the site. However, the impact is somewhat offset by the omission of the garage building, which reduces the bulk and built form to the front of the site and results in the front elevation being set back a further 3.6m into the site. In addition, the proposed dwelling is considered more traditional in appearance.
- 5.3.10 The proposed dwelling has been designed to take advantage of the topography of the land. Whilst it would feature three floors of accommodation, the front elevation, which is visible from the public highway, would appear as a chalet bungalow with a gabled front elevation. The appearance of the dwelling from Dykes Chase would be that of a traditional chalet style bungalow, reflective of area. Whilst the proposed dwelling would extend 7.5m in height ground level to the south, and 10.1m in height from ground level to the north, the visual impact is lessened by the set back from the public highway and the topography of the land.
- 5.3.11 In terms of scale and having regard to the topography of the land and that the footprint of the proposal would not be larger than those observed within the surrounding area, it is not considered that the proposed dwelling would form an overly prominent or overbearing addition to the site or streetscene.
- 5.3.12 In terms of appearance and layout the proposed dwelling would appear to respond to the development observed within the surrounding area and regard has been had to

the sensitive historic location. With regards to materials, it is proposed to clad the walls in white weatherboarding, the windows on the front elevation are proposed to be timber and the those within the side and rear elevation would be aluminium and the roof tiles, natural slate. The Conservation Specialist has been consulted for their specialist views and has recommended conditions to ensure the materials are of an appropriate quality.

- 5.3.13 In respect of the impact of the proposal on the surrounding heritage assets which include the Maldon and Chelmer and Blackwater Navigation Conservation Areas and two protected buildings; the Council's Conservation and Heritage Specialist has been consulted for their views which are as follows:

'The land slopes steeply down northwards to the river. A key consideration of any development on this northern slope is the impact on long views of the town from the north.'

'I raise no objection to the proposed house. It is similar in scale and form to a previous permission. The proposal should not result in harm to the heritage assets. However, in order to respect the traditional architectural character of the area, it is important that sympathetic traditional materials are used, including painted timber weatherboarding, painted timber windows (at least on the front elevation), and natural slate on the roof.'

- 5.3.14 The Conservation Officers comments are in line with Officers' views and their recommended conditions have been set out in section 8 of this report. As such, with these conditions in place, it is considered that the proposal would not harm the significance of heritage assets within the vicinity of the site and Maldon conservation area.
- 5.3.15 Given the above assessment and having regard to the development previously accepted at the site, it is considered that the proposed dwelling would have an acceptable visual impact on the site, surrounding area and would preserve the surrounding heritage assets, in compliance with policies D1, D3 and H4 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site has two adjacent neighbouring properties; 'New Lodge' which is the host property located to the east and 'Hillyfield' is located to the west.
- 5.4.3 The proposed dwelling would be sited 1.9m from the side boundary with Hillyfield (to the west), with a separation distance ranging between 8.3m-8.6m dwelling to dwelling. The dwelling would have a separation distance ranging between 2.34m-4.05m from the side boundary with New Lodge (to the south-east) with a distance ranging between 5.4m-5.9m dwelling to dwelling.
- 5.4.4 The land on which the dwelling would be located slopes steeply downwards from south to north and it is pertinent to note that the dwelling has been designed to nestle into the existing landscape with a lower ground floor, ground floor and first floor mezzanine room within the roof space.

- 5.4.5 In terms of an overbearing impact and loss of light to the neighbouring occupiers, the ridge height of the proposed dwelling extends to a maximum of 10.1m. However, given separation distances, the topography of the land, the orientation of the dwellings in relation to each other and the proposed roof form, which slopes away from the neighbouring properties; it is considered that the proposed development would result in an overbearing impact or loss of light to any primary windows that would result in demonstrable harm to the neighbouring occupiers.
- 5.4.6 In terms of overlooking there are windows within the side elevations of the proposed dwelling. However, the side windows in the elevation will either be high-level windows or obscured glazed windows, which would overcome any overlooking concerns with overlooking that could result. As such, a condition has been recommended to ensure the development is carried out in accordance with these details. The front and rear facing windows are not considered to result in an unacceptable level of overlooking. The proposed rear balcony extends along the entire rear elevation of the proposed dwelling and would serve the upper ground floor. The elevation plan and details confirm that side screens to prevent any overlooking into the private rear gardens of the neighbouring properties, would be installed. In order to ensure this and thereby protect the privacy of the neighbouring occupiers, a condition in this respect has been recommended.
- 5.4.7 It is also pertinent to note that the dwelling proposed under the terms of this application would have a similar floor area to that previously approved and it is noted the previously approved dwelling was served by a rear balcony.
- 5.4.8 Given the above assessment, it is not considered that the proposed development would result in detrimental loss of amenity to the occupiers of the neighbouring dwellings.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards state that a three-bedroom dwelling should provide provision for two vehicle parking spaces, a parking bay is required to measure 2.9m by 5.5m. The submitted block plan demonstrates the site can accommodate two parking bays to the front of the dwelling. In addition, it has been confirmed that New Lodge would continue to be served by a parking area that could accommodate three cars and it is noted that there is space within the site.
- 5.5.3 The Local Highway Authority has been consulted and given that there are no changes to the proposed access point with London Road, no objection has been raised, although they have advised of the need to protect the users of the adjacent public footpath (No.57) by ensuring that this footpath remains free and unobstructed at all times. The applicant has been advised of this need via an informative recommended below. Given this, it is considered that no concerns are raised, and the proposal would therefore be in compliance with policy D1 and T2 in this respect.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 The submitted information demonstrates that both the New Lodge and the proposed new dwelling would be served by a sufficient amenity space in excess of 100sqm.
- 5.6.3 The proposed boundary treatment to demarcate the new dwelling is proposed to be a retaining brick wall, given this is the existing boundary treatment to the front of New Lodge, no concerns in this respect are raised. In addition, it is noted that the trees along the side boundaries of the site would be retained. However, a condition to ensure that full boundary treatment and landscaping details are submitted for approval has been recommended, in order to protect and enhance the verdant appearance of the area.

5.7 Ecology Impacts

- 5.7.1 Paragraph 174 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.7.2 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.3 The application has been supported by an Ecological Survey prepared by John Dobson B.Sc, Essex Mammal Surveys, dated August 2021. The survey concludes '*The site is a maintained garden and has no Priority habitats.*' A number of recommendations have been set out within the report and the Ecology Consultant has raised no objection to the proposal subject to three conditions, one of which is that the development is required to be carried out in accordance with the submitted details. The advised conditions have been recommended below; given this, it is considered that no concerns in this respect are raised in this respect.

5.8 Impact on Designated Sites (RAMS)

- 5.8.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England. To accord with NE's requirements and standard advice an Essex Coast (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 – the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes – The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.8.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 5.8.4 The Essex Coastal RAMS document has been adopted. This document states that the flat rate for each new dwelling has been calculated at £127.30 and thus, the developer contribution should be calculated using this figure. However, in the absence of a signed legal agreement to secure the abovementioned contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.
- 5.8.5 The Applicant has indicated a willingness to provide a Unilateral Undertaking to secure this contribution. Therefore, providing a signed and correct agreement is submitted prior to the issuing of the decision, the impact of the proposal would be mitigated.

5.9 Other Material Considerations

5.9.1 Trees

- 5.9.1.1 The application has been supported by a Tree Survey and Arboricultural Assessment. The Tree Consultant has been consulted for their specialist views and raised no objection to the proposal in respect of its impact on the surrounding trees. They advised the following:

'I have no objection to this application. The report identifies the trees and their constraints, showing how those to be retained can be protected. The removal of Silver Birch will not have a significant impact on the wider public amenity'.

It is advised that a replacement tree is appropriately planted within the site to compensate for the loss of the silver birch, this requirement has been included within the recommended landscaping condition.

5.10 Planning Balance and Sustainability

- 5.10.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.
- 5.10.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land, which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.10.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.10.5 With regard to the three tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional dwelling may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal for one dwelling. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Limited details are provided within the application to this effect. Any economic benefits would therefore be considered nominal.
- 5.10.6 In social terms the proposal would assist in supporting a strong vibrant and healthy community, as housing would be located in an area where there is access to some local facilities without the unavoidable need for private cars as it would not be remote from day-to-day services. Further, it would provide a three-bed dwelling, contributing to the greatest identified need in terms of housing type size.
- 5.10.7 In environmental terms, the accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars for access to everyday needs and services. The availability of public transport is also favourable in environmental terms.
- 5.10.8 The scheme is considered to be policy compliant in all over respects. Therefore, overall the development is considered to be sustainable, and the development would therefore be acceptable.

6. ANY RELEVANT SITE HISTORY

- **10/00470/FUL** – Proposed new dwelling and replacement garage, demolition of existing garage. Refused.

- **10/00767/FUL** – Proposed new dwelling and replacement garage, demolition of existing garage – Approved.
- **10/00768/CON** – Proposed new dwelling and replacement garage, demolition of existing garage – Grant Conservation Area Consent.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends refusal of this application as the proposed dwelling, due to its bulk, scale and location would form an incongruous, dominant feature viewed from Dykes Chase, Lodge Road and the river and due to the impact on this area of archaeological and historical interest. The proposal would result in an unneighbourly form of development close to a building of special architectural or historic interest. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework.	Noted. Please refer to section 5.3 of this report.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to conditions.	Noted and added as an informative.
Natural England	RAMS required.	Noted.
Ecology	No objection subject to conditions and RAMS contribution.	Noted and conditions recommended.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Specialist	No objection subject to conditions.	Noted and conditions recommended.
Environmental Health	No objection subject to conditions.	Noted and conditions recommended.
Tree Consultant.	No objection.	Noted and discussed in section 5.9 of this report.

7.4 Representations received from Interested Parties (*summarised*)

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

Objection Comment	Officer Response
In 2010 I was in control of developing the scheme and its construction, we had reached an agreement with the neighbour to use part of our garden for working access, this no longer applies.	This is not a material consideration in the determination of this application.
Concerns regarding the structural requirements of the larger dwelling. It has been requested that a construction method statement condition is imposed.	It is noted that a dwelling in the same location was previously approved at the site without concerns regarding the ability to construct the dwelling. Albeit the dwelling is slightly larger, it would not result in concerns being raised at this stage. A condition in respect to the construction of the dwelling has not been recommended by the Environmental Health department nor was it imposed at the time of the previous application. It is not considered that the condition is necessary to make the development acceptable.
Tree concerns	Noted. Please see section 5.9.
The block plan is incorrect	It has not been specified how the block plan is incorrect, it appears to be correct and meets the Council's validation requirements.
The elevations do not show the dwelling in context with the 'Hillyfield' or 'New Lodge'.	A streetscene elevation has been requested.
Concerns regarding proposed boundary wall.	It is noted that full details have not been supplied and therefore a condition in this respect has been recommended. The construction of the wall and safety requirements are covered by legislation that falls outside of the remit of planning.
Concerns regarding the disturbance during construction.	An informative has been added regarding the construction.
A condition to ensure any damage occurring to the neighbouring property is carried out following the completion of	As the neighbouring property falls outside of the site area this could not therefore be conditioned. In any event,

Objection Comment	Officer Response
the dwelling.	this would not be a planning matter.
We have no objection to the principle but do object to some significant aspects of the scheme and the construction process which will harm our property and the amenity of local residents.	Noted and considered above. Conditions and informatives have been recommended in order to minimise the impact of the development.

7.4.2 **One** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The Maldon Society supports this application. The site has previously gained consent for a dwelling house and this design is more attractive and fits well in the immediate surroundings.	Noted.

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: 1189.P.001, 1189.P.002(A), 1189.P.003, 1189.P.004 and 1189. P.007.
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 – illustrating elevations at 1:20 and sections through head, cills and glazing bars – shall be submitted for approval prior to their installation. The development shall be carried out in full accordance with the submitted details and retained as such thereafter.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 4 Details including high quality photographs of the roof tiles and bricks to be used in the development and information on their source of origin shall be submitted for approval prior to their use, the development shall be carried out using the approved materials and retained as such thereafter.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 5 The rooflights shall be of black-finished metal and shall not protrude above the upper surface of the roof tiles.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 6 The weatherboarding shall be of featheredged painted timber only.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in

- accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 7 The weatherboarding shall be painted white, unless otherwise agreed in writing by the LPA prior to its installation and retained as such thereafter.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 8 The front windows and door and door surround shall be of painted timber only and retained as such thereafter.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 9 All fascia, soffits and verges shall be of painted timber only.
REASON: To ensure the external appearance of the development is appropriate having regard to the locality and surrounding heritage assets, in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 10 No development above ground level shall occur until details of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 and D5 of the Maldon Local Development Plan (2017).
- 11 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 and D5 of the Maldon Local Development Plan (2017).

- 12 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and

Assessment (Essex Mammal Surveys, August 2021) as submitted with the planning application. The works shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and shall be retained in that manner thereafter.

REASON: To conserve and enhance the habitats of protected and priority species, in accordance with policy N2 of the Local Development Plan.

- 13 Prior to any works above slab level a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve and enhance the habitats of protected and priority species, in accordance with policy N2 of the Local Development Plan.

- 14 Prior to occupation of the dwelling a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

REASON: In the interests of protecting priority species, in accordance with policy N2 of the Local Development Plan.

- 15 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 garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON: In the interests of local amenity and the character and appearance of the area, in accordance with the requirements of policies D1, D3 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 16 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 development under class A (enlargement, improvement or other alteration of a dwellinghouse), class B (additions etc to the roof) or class C (porches) are hereby permitted without planning permission having been obtained from the Local Planning Authority. REASON: In the interests of local amenity and heritage assets in accordance with the requirements of policies D1, D3 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 17 Full details of the provision and subsequent retention of both hard and soft landscape works on the site 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:
- 1) Details of proposed schedules of species of trees, including the tree required to replace the silver birch, and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.

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.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions, along with full boundary treatment details.
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

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

REASON: To ensure the soft and hard landscaping is appropriate to the area and in the interest of visual amenity in accordance with policies D1 and D3 of the Maldon District Local Development Plan.

- 18 Prior to the first occupation of the dwellinghouse hereby approved, the windows proposed within the east and western side elevations 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 the high-level windows (as annotated on the submitted plans) and shall be retained as such thereafter.
- REASON: To ensure that the development is carried out in accordance with the details as approved and to protect the amenity of the neighbouring occupiers in accordance with policies D1 of the Maldon District Local Development Plan.
- 19 A scheme for a visibility screen to the eastern and western boundaries of the rear balcony shall be submitted to and approved by the Local Planning Authority. The visibly screens shall be erected prior to the first use of the balcony hereby approved and retained in perpetuity.
- REASON: To ensure that the development is carried out in accordance with the details as approved and to protect the amenity of the neighbouring

occupiers in accordance with policies D1 of the Maldon District Local Development Plan.

INFORMATIVES

- 1 The public's rights and ease of passage over public footpath 57 (Maldon) shall be maintained free and unobstructed at all times. The Public Right of Way (PROW) network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath 57 (Maldon) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 2 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

- 3 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with Maldon District Council, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 4 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours
 - i. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - ii. No dust emissions should leave the boundary of the site;
 - iii. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - iv. 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.

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

- 5 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

- 6 It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until... " because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.
- 7 When a sewage treatment plant or septic tank is installed the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see www.gov.uk for more information on General binding rules for small sewage discharges.
- 8 The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive (HSE). Under this Duty holders must complete a risk assessment and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. It will also require that prior to demolition a refurbishment / demolition survey will be required to ensure that nobody will be harmed, and the works will be undertaken in the correct way. For further information please see the HSE's website.

It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
16 MARCH 2022**

Application Number	21/01334/FUL
Location	Police Station West Square Maldon CM9 5PA
Proposal	Change of use of former police station to Class E (Offices)
Applicant	Mr C Mills - TFP Financial Planning
Agent	Mrs Caroline Legg - Phase 2 Planning And Development Ltd
Target Decision Date	17.02.2022 Extension Of Time 18.03.2022
Case Officer	Hannah Bowles
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Director of Service Delivery Call In

1. RECOMMENDATION

APPROVE 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 application site is a corner plot and is in a visually prominent location on the eastern side of West Square at the junction of High Street, Gate Street and London Road. The site falls within the defined settlement boundary of Maldon, a town centre location and within a designated Conservation Area. The development surrounding the site is predominantly commercial with residential development located along London Road and Gate Street.
- 3.1.2 The site is occupied by a two-storey building with a basement area and is a non-designated heritage asset. The building is currently vacant but was last used as a police station in July 2017. The vehicular access to the site and car parking provision is located to the north west of the building and is accessed off Gate Street.
- 3.1.3 Planning permission is sought for the conversion of the building from a former police station to Class E(g) offices. The resulting commercial floorspace would amount to 371sqm.
- 3.1.4 The scale of the building in terms of width, height and depth would not be altered as a result of the proposal and no external changes are proposed, including the access to the site, the layout of the existing parking area and the level of hard and soft landscaping including the mature horse chestnut tree located to the north of the site, which would be retained. The only external addition is a proposed covered cycle store which is proposed to be sited to the rear of the building, to the east of the site. The submitted specifications set out that it would be a metal structure with transparent sides and roof, measuring 2.1m, by 2.1m, by 2.1m.
- 3.1.5 The proposed alterations to the building would be internal, with the proposed works resulting in the loss of the cells, a cell passage and some original walls and fireplaces. The resulting office building proposed would provide open and enclosed office space areas, a boardroom, meeting rooms, tea point / breakout areas, WC's, shower, locker and printing area.
- 3.1.6 The planning statement submitted with the application sets out that the proposed office building would accommodate approximately 12 full time and two part time employees at ground floor level and approximately 14 full time employees in total, spread over four separate offices at first floor level.
- 3.1.7 In terms of planning history, application 20/00270/FUL which proposed: '*Convert former police station into 5 self-contained apartments with associated parking and landscaping*', was refused by the Local Planning Authority (LPA) in October 2020 and the appeal was dismissed in August 2021. Given that the proposed works and policy position are significantly different in the assessment of an office use compared to a C3 use, it is considered that the previous application has limited relevance in the determination of this application, with the exception of the assessment against policy E3 (please see section 5.2).

3.2 Conclusion

- 3.2.1 The proposed change of use of the vacant building to offices is considered to have an acceptable impact on the conservation area and the existing building, which is a non-designated heritage asset, and it is not considered to have a detrimental impact on residential amenity. Further, given the town centre location the proposed parking provision is considered to be acceptable. Although the proposal does not comply

with criteria 2 of policy E3, the benefits of the scheme are considered to outweigh this conflict. The proposed development would bring a building which is in a non-designated heritage asset, in a prominent town centre location and would otherwise remain empty and continue to fall into a state of disrepair, back into a viable use. Further, the support towards employment generating uses is prominent within the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF). It is therefore considered that the proposed development is in accordance with policies S1, S8, D1, D3, E1, E3 and T2 of the approved LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 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
- 81-85 Building a strong and competitive economy
- 86-91 Ensuring the vitality of town centres
- 104-113 Promoting sustainable transport
- 119-123 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 (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E1 Employment
- E3 Community Services and Facilities
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- Maldon Conservation Area Review and Management Plan

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.2 *Employment Use*

- 5.2.1 The 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 LDP.
- 5.2.2 The proposed development is for the conversion of an existing and vacant building, located within the settlement boundary and town centre of Maldon, to form offices.
- 5.2.3 The building is existing and was formally used a police station which ceased use in 2017, the building has remained empty since that time. Policies S1, S2 and S8 of the approved Maldon District LDP seek to support sustainable developments within the defined settlement boundaries. Policy S5 states that proposals for retail, office, housing, community, leisure uses, and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.
- 5.2.4 Furthermore, the NPPF encourages LPAs to promote a strong economy and urges LPAs to support the sustainable growth. Policy E1 of the LDP specifically states; *'Proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current needs.'*
- 5.2.5 The site is located within the settlement boundary and town centre of Maldon and it is currently in sui-generis use, which provides an employment generating use. The proposal, albeit offices falling within an E(g) use, whilst being significantly different in nature would continue provide an employment generating use and the subsequent office building could potentially accommodate 12 full time and two part time employees at ground floor level and approximately 14 full time employees in total, spread over four separate offices at first floor level. The proposal would also bring the currently vacant building back into a viable use and therefore would increase the likelihood of the building being used actively for employment purposes. Therefore, on this basis, the principle of an office in this location is acceptable, subject to compliance with the remaining policies of the LDP, which are considered below.

5.3 *Loss of a Community Facility*

- 5.3.1 The proposal would result in the loss of a building which as a police station is classed as a community service / facility. Therefore, the proposal must comply with policy E3 of the LDP.
- 5.3.2 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community and that where a proposal will result in a loss of community services or facilities, an application will be required to demonstrate to the Council's satisfaction that:
- '1) *The existing business/service is not and cannot be made viable; and*
 - 2) *Effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.'*

- 5.3.3 It is accepted that the existing lawful use of the building as a police station has little likelihood of returning to being actively used with its current authorised use. The Planning Statement submitted with the application sets out that *'In respect of the Maldon site, its closure was due to fact that the building was no longer suitable for modern policing, no longer required for the future Essex Police Estates Strategy and declared surplus to operational requirements'*. Therefore, the proposal is considered to be in compliance with criterion 1 of policy E3 of the LDP.
- 5.3.4 In respect of criterion 2, it was established under the previously refused application, 20/00270/FUL that the building had not been effectively marketed for an employment or community use and this view was upheld by the Planning Inspectorate who dismissed the appeal concluding *'I find that there has not been reasonable or appropriate marketing of the appeal building over a sustained period of time at an appropriate price. The marketing has not therefore been effective, and it has not been demonstrated that an employment or community use for the building could not be found or that there is no need for either use. Consequently, the development would result in the unjustified loss of employment space and a community building contrary to the Council's development plan policies to retain such uses and sites. It would also conflict with objectives of the Framework to take account of local business needs and ensure that facilities and services are retained for the benefit of the community'*. It should be noted that given that the proposed use under the terms of this application is for employment purposes, it is not necessary for the proposal to be assessed against the criteria set out within policy E1.
- 5.3.5 In order to demonstrate compliance with criterion 2 of policy E3, the marketing of the building re-commenced at the end of August 2021 (approximately 6 months) and has been ongoing since that date. The application has been supported by details of the marketing that has been undertaken and a marketing report, which is contained within Appendix 2 of the submitted Planning Statement and a further report with relevant updates was submitted on 25 February 2022. The information provided is summarised as follows:
- The property has been advertised via Kemsley Property Consultants. The details were made available on Kemsley.com, Zoopla, EG PropertyLink, Movehut and EACH.
 - The marketing particulars are continuously circulated to our applicant databases targeting commercial and community occupiers in the Maldon area and wider.
 - Marketing boards were affixed to the first floor of the building from 6 September 2021.
 - The marketing report dated 8 December 2021 sets out the following:
 - 33 enquiries were been received, resulting in three separate group viewings, albeit with only seven parties having viewed.
 - Of the 33 enquiries received, 73% were from residential developers, seeking to convert the premises to residential. None of those have viewed noting the previous application being rejected for conversion to residential.
 - 27% of the interest has come from commercial owner-occupiers, which makes up the majority of those parties who have viewed.
 - There has been 0% interest received from any community groups or charitable organisations.
 - The marketing report dated 25 February 2022 sets out the following update:

- Most parties who have enquired are developers looking to convert the premises to residential accommodation.
- Since December, only one single new commercial enquiry for an office occupier has been received.
- There have been no new enquiries within the community sector or from local community groups/organisations.
- The new figures are a total of 41 enquiries having been received. Interest from residential developers has increased to 81%. A total of 19% of the interest has come from commercial owner-occupiers. There has been 0% interest received from any community groups or charitable organisations.
- The rental price is guided at £13.50 per sqft by way of a new lease for a term to be agreed, and with rent free offered, depending upon tenant's specific requirements. As the site is 3,993 sqft, this would equate to £53,905.50 per annum, or approximately £4,492 per month. The freehold is available at a guide price of £750,000.

5.3.6 The previous application was dismissed at appeal and the appeal decision stated, *'there has not been reasonable or appropriate marketing of the appeal building over a sustained period of time at an appropriate price'*. This application has not been supported by information to demonstrate how the guide price was calculated or to demonstrate that it was a comparable market rate for a community facility. It is noted that the freehold is available at £750,000 and no justification for this price has been provided, bearing in mind the guide price of the property was £700,000 during the previous marketing campaign (2018) and the building ultimately sold for £600,000 in July 2019. The guide price at £750,000 represents a 25% rise in the sale price since the sale in 2019 and this has not been clarified or justified. Although there may have been possible changes in market values, it is noted that the applicant has not submitted any evidence to demonstrate that the building has been marketed at a competitive value. This is particularly relevant given that it was previously considered that this figure was an inflated figure for an employment or community use.

5.3.7 Furthermore, it is highlighted by the applicant within the submitted Planning Statement *'the opportunity for alternative community uses were explored previously following closure of the police station, resulting in the building being nominated and registered as an Asset of Community Value (ACV) in October 2017. The moratorium period ended on 16 July 2018 and no interest or enquiries were made in this respect. This indicated no interest in a community use of the building'*. However, the Inspector for the appeal of application 20/00270/FUL stated *'It is also not clear whether or how the ACV status of the building was advertised or communicated to other potentially interested community groups. Even if the ACV process constituted 'marketing' I am not therefore satisfied that it was effective'*. It should be noted no further information in this respect has been forthcoming under the terms of this application and therefore, little weight is given to the latter.

5.3.8 On the basis of the above and having regard to the previous appeal decision for application 20/00270/FUL, it is not considered that the applicant has satisfactorily demonstrated compliance with criterion 2 of policy E3, namely that effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use. However, given that the guide prices (rent and freehold ownership) were not advertised on the marketing particulars, it is considered that some weight can be given to the fact the Senior Associate at Kemsley has confirmed that no there has been 0% interest received from any community groups or charitable organisations.

- 5.3.9 Given the above analysis, the proposed development would not meet criterion 2 of policy E3 of the LDP. However, the proposed conversion to an E(g) use would continue to provide an employment generating use and the support towards businesses and the local economy is prominent within the LDP and the NPPF. Furthermore, the development is for the use of a building which would otherwise remain empty, and it is noted that the building was last in an effective use in 2017. The building as an office would have the potential to accommodate 26 full time and two part time employees; this is considered to be a material consideration which weighs heavily in favour of the proposal. Furthermore, the comments from the Council's 'Strategic Theme Lead – Prosperity' are of note in this respect:

'Subject to suitable requirements to protect the nature of the building and its prominent position at the entry of the high street, I feel this application supports Policy E1 and would be a suitable use for this building. Appropriate consideration should be given to supporting sustainable travel and accessible access where possible. I feel this application should be supported'.

- 5.3.10 It is considered that the proposed development is for the use of a building which would otherwise remain empty and continue to fall into a state of disrepair and the main thrust of the national and government policy is to encourage the change of use of vacant buildings to bring them into viable uses such as in this instance. Given the above and the town centre location of the site, which is considered appropriate for an office use, the support towards employment generating uses contained within the LDP and the NPPF, and the support from the 'Strategic Theme Lead – Prosperity', it is considered that other material considerations outweigh the fact that the development would not meet all the criteria set in policy E3 of the LDP, in this instance.
- 5.3.11 Thus, given the above circumstances, the loss of the community facility is considered to be acceptable in this respect.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.4.3 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.
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017) (MDDG).
- 5.4.5 The application site is located within the conservation area of Maldon and the building proposed to be converted is a non-designated heritage asset. 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. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, Policy D3 of the approved LDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting- including its streetscape and landscape value.
- 5.4.6 Policy E1 of the LDP states that design is one of the considerations if new provision for employment space or the expansion of existing employment areas is proposed outside the designated employment allocations.
- 5.4.7 The proposed development is for the conversion of the existing building into offices. The application site is a prominent corner plot located within the town centre and conservation area of Maldon. There are a mix of residential and commercial uses within the immediate surrounding area. Therefore, it is not considered that the conversion of the building to office accommodation would appear out of keeping in this part of the town centre.
- 5.4.8 The only external change relates to the addition of a covered cycle store, which has been sited in the courtyard area, screened from public view. The Conservation Specialist has raised no objections to addition of this element.
- 5.4.9 No further external changes are proposed to the external appearance of the building, layout, access, parking, landscaping or trees. Therefore, given that in addition to the latter an office building would remain in keeping with the established character of the area, no concerns in respect of the visual impact of the proposal on the site or surrounding area are raised.
- 5.4.10 As set out above the former police station has been included on the 'Local List of Heritage Assets for Maldon', which was formally adopted on 17 October 2019 following a period of public consultation and the site also falls within the Maldon Conservation Area.

- 5.4.11 The subject building has considerable architectural interest as a reasonably well-preserved early-20th-century police station of good architectural quality. It is a highly attractive landmark building, occupying a prominent position at an entrance to the most historic part of the High Street. As such it makes a very positive contribution to the special character and appearance of the Maldon Conservation Area.
- 5.4.12 In terms of the internal changes, it is considered that the removal of the cells and cell passage would be regrettable, as would the removal of some original walls and fireplaces. However, the interior has no protection, as a non-designated heritage asset. Therefore, this is not a material consideration in this instance. Overall, the proposed scheme is considered to preserve the established external character of the building and the contribution it makes to the character of the conservation area. The Council's Conservation Specialist has been consulted for their specialist views and they have confirmed that they have no objection to the proposal.
- 5.4.13 It should also be noted that the Inspector for the appeal concluded that the proposal would have a positive effect on the character and appearance of the conservation area, stating the following:
- 'The proposal would retain and meliorate the appearance of the principal external elevations and fenestration of the appeal building and bring it back into use. It would not materially alter the visual or physical relationship of the building to the listed buildings. This would be apparent in public views and in the context of nearby buildings, including the setting of the listed buildings.'*
- The development would therefore have a positive effect on the character and appearance of the conservation area and a neutral effect on the special architectural and historic interest of the listed buildings, including their settings [...] The proposal would therefore enhance the character and appearance of the conservation area and preserve the listed buildings and their settings.'*
- 5.4.14 The visual enhancement of the conservation area is a further benefit that weighs in favour of the proposal.
- 5.4.15 Therefore, it is considered that the proposal is in compliance with the Section 72(1) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and policies D1 and D3 of the LDP.

5.5 Impact on Residential Amenity

- 5.5.1 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.
- 5.5.2 The application site is located within the town centre of Maldon in area of mixed residential and town centre uses. Given that the proposed development forms a corner plot there is only one adjacent neighbouring property to the rear of the site '1 High Street' which provides commercial floor space at the ground floor and residential accommodation at first floor.
- 5.5.3 There would be no external changes to the building. Therefore, on this basis it is not considered that the proposed development would result in a loss of light or domination to the detriment of the surrounding properties.

- 5.5.4 In terms of overlooking and noise and disturbance, it is not considered that (subject to conditions) the proposed office use would generate a similar level of overlooking and noise and disturbance to that when the building was in use as a police station. Therefore, it would be unreasonable to object to the application on this basis and it is noted that the Council's Environmental Health Specialist has not objected to the proposal, subject to a condition restricting extraction or ventilation equipment being installed at the site, which has been recommended below.
- 5.5.5 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.6.2 The application proposes 371sqm of office space. The Vehicle Parking Standards (VPS) recommend one space per 20sq m of office space which results in a requirement of 19 car parking spaces (rounded up). However, the application site is located within the town centre of Maldon and the VPS sets out the following:

'Where non-residential development is located as follows, the expectation will be that there is sufficient parking provision for staff and visitors within the site, to ensure that the operation of the development does not negatively impact on the surrounding road network or result in on-street parking:

- *Outside a town centre where there is available public car parking;*
- *Is not within 960m (12 minutes) walk of a train station;*
- *Is not within 640m (8 minutes) walk of a bus stop with a regular bus service.*

More or less parking than these standards may be justifiable and acceptable where other material considerations are taken into account, such as the need to maintain an active ground floor frontage, conservation area, the availability of alternative parking facilities, other viable modes of transport, design issues including the physical constraints of a site, proposed Travel Plan measures and target consumers'.

- 5.6.3 There is an existing parking area to the north east of the building which provides nine delineated car-parking spaces. However, they do not appear to be in line with the recommended bay size of 2.9m by 5.5m. However, the site is located in a town centre location where there are several public car parks within walking distance of the site (located on White Horse Lane, Friary Fields and Butt Lane). In addition, the town centre of Maldon is well served by public transport which would encourage the use of sustainable transport modes. Further, cycle parking would be provided within a covered shelter within the courtyard area to the rear of the site, in line with the adopted standards. Therefore, on balance, it is considered that it would be unreasonable to object to the application in respect of the shortfall of car parking provision.
- 5.6.4 Essex Country Council (ECC) Highways has been consulted and concur with the above assessment in terms of car parking, stating *'Having regard to the existing land*

use, parking restrictions on Gate Street and the surrounding streets, the close proximity of public transport services and the location to White Horse Lane public car park immediately to the southeast, the off-street parking provided for the proposal is considered appropriate'. Therefore, no objection in this respect is raised, subject to conditions which are considered to be reasonable and appropriate in this instance.

- 5.6.5 The vehicular access to the site is existing and in terms of access and highway safety, the ECC Highways have confirmed that the proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, and therefore would be in compliance with policies T2 of the Local Development Plan.

5.7 Other Material Considerations

- 5.7.1 There is large Horse Chestnut tree to the north west of the existing building which is considered to positively contribute to the site and wider conservation area. The protection of this tree is considered to be important. The applicants have confirmed that the tree will remain in situ and there is no external development proposed that would detrimentally impact the tree. Given that the tree is protected as it is located within the conservation area of Maldon, it is not considered necessary to impose a condition in this respect, nor would it meet the six tests. Notwithstanding this, an informative has been recommended below to remind the applicants of its protected status.

6. ANY RELEVANT SITE HISTORY

- **20/00270/FUL** - Convert former police station into 5 self-contained apartments with associated parking and landscaping - **Refused and Appeal Dismissed.**

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 approval.	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to conditions.	Noted and discussed in section 5.6 of this report.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted and conditions recommended below.
Conservation Officer	No objection.	Noted and discussed in section 5.4 of this report.
Strategy Theme Lead Prosperity	I feel this application should be supported.	Noted and discussed in section 5.3 of this report.

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 **One** letter was received **in support** of the application and the reasons for support is set out in the table below:

Supporting Comment	Officer Response
I vehemently support this application as this will bring life back into a valued building of the community. I believe that the Police Station property is such an important part of the High Street, standing at the entry of the road, at the moment looking very dilapidated and from reading, has been confirmed as not fit for purpose with regards to modern policing. As this will bring a wider office space into the Maldon area, it will allow for local businesses to find a home on the High Street and within this community. Very much looking forward to this building being brought back to life and improving the aesthetic of the high street.	Comment Noted.

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: 1912-100, 879-EDN-MH-GA02A Proposed Ground Floor Plan, 879-EDN-MH-GA02 Proposed First Floor Plan, 236A-1-000, 236A-G/236-OB-000, 1912-300, 1912-220 and 1912-301.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 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), premises shall only be used for purposes falling within Use Class E(g)(i) of the Schedule to the Town & Country Planning Use Classes and for no other purpose.
REASON: In order to ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers and area and highway safety, in accordance with policies S1, S8, D1 and T2 of the adopted Maldon District

- Replacement Local Plan and guidance contained in the National Planning Policy Framework.
- 4 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy D1 and T2 of the LDP.
 - 5 Prior to first beneficial use of the development, the cycle parking shall be provided in accordance with the details contained on plan reference 879-EDN-MH-GA02A Proposed Ground Floor Plan and the details contained within the document titled 'Specifications for Secure and Covered Cycle Parking'. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy D1, D2, D3 and T1 of the LDP.
 - 6 The hours of operation of the, E(g)(i) unit hereby permitted shall be:
 - Monday to Friday - 0830 hours until 1730 hours
 - Saturday – No operation
 - Sundays and Bank holidays - No Operation
 REASON: In order to ensure the protection of the amenities of adjacent occupiers, in accordance with policies D1 of the LDP and guidance contained in the National Planning Policy Framework.
 - 7 No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.
REASON: In order to ensure the appropriate use of the site and to protect the amenities of adjacent occupiers in accordance with policies D1 of the LDP and guidance contained in the National Planning Policy Framework.

INFORMATIVES

- 1 Please note that prior to any works to the horse chestnut tree, located on the north-west side of the site, you are required to notify the Local Planning Authority 6 weeks before carrying out works. The work may go ahead before the end of the 6-week period if the local planning authority gives consent.
- 2 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
- 3 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.