

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

DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

14 November 2023

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 22 NOVEMBER 2023 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 / attend in person please complete 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 and Resources

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor J Driver
VICE-CHAIRPERSON	Councillor N G F Shaughnessy
COUNCILLORS	S J Burwood K Jennings K M H Lagan A M Lay N R Miller N D Spenceley P L Spenceley J C Stilts N J Swindle





**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

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**WEDNESDAY 22 NOVEMBER 2023**

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 30 August 2023, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **23/00603/FUL - Kings Head Centre, 38 High Street, Maldon, Essex** (Pages 11 - 26)

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

6. **23/00604/LBC - The Kings Head Centre, 38 High Street, Maldon, Essex** (Pages 27 - 34)

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

7. **23/00943/FUL & 23/00944/LBC - 43-45 High Street, Maldon, CM9 5PF** (Pages 35 - 44)

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

8. **23/00947/LBC - 43-45 High Street, Maldon, CM9 5PF** (Pages 45 - 52)

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

9. **23/00946/ADV - 43-45 High Street, Maldon, CM9 5PF** (Pages 53 - 62)

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

10. **Any other items of business that the Chairperson 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. 5-8.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

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

**NOTICES****Recording of Meeting**

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

**Fire**

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**Health and Safety**

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**Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

**Lift**

Please be aware, there is not currently lift access to the Council Chamber.

## **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  
30 AUGUST 2023**

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**PRESENT**

Chairperson	Councillor J Driver
Vice-Chairperson	Councillor N G F Shaughnessy
Councillors	S J Burwood, K Jennings, K M H Lagan, N R Miller, N D Spenceley, P L Spenceley, J C Stilts and N J Swindle

**213. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone in attendance and went through some general housekeeping arrangements for the meeting.

**214. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor A M Lay.

**215. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 5 July 2023 be approved and confirmed.

**216. DISCLOSURE OF INTEREST**

Councillors K Jennings, N G F Shaughnessy and J C Stilts declared a non-pecuniary interest as they knew the applicant.

Councillor P L Spenceley also declared a non-pecuniary interest as she knew the applicant as a fellow trustee of the Maldon Festival.

**217. 23/00490/FUL - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX**

<b>Application Number</b>	<b>23/00490/FUL</b>
<b>Location</b>	The Kings Head Centre, 38 High Street, Maldon, Essex
<b>Proposal</b>	Proposed change of use from (Class E(e)) Osteopath treatment rooms to (Sui Generis) short term holiday let accommodation
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Tim Farley – Copesticks Ltd.
<b>Target Decision Date</b>	07.07.2023
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call-in request by Councillor N R Miller for the following reasons: S1, D3, E5, E3,T2 and D1 of the Local Development Plan (LDP).

Following the Officer's presentation the Agent, Mr Tim Farley addressed the Committee. The Chairperson then opened the discussion inviting any questions or comments on the report.

A debate ensued around the positive impact on tourism, the generation of employment, that marketing was sufficient given the constraints of COVID and that there were eight other osteopaths within a five mile radius, therefore, change of use was not an issue. Officers advised that the reason for refusal related to Policy E3, namely the former osteopath was a community use. There was no objection to the proposed holiday let per se, however, the loss of the existing community use was why the Officer recommendation was for refusal as this was not policy compliant. Specifically, it was felt that the marketing carried-out was insufficient.

At this point Councillor N R Miller proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor J C Stilts. The Chairperson clarified that the proposal was accepted based on a Unilateral Undertaking (UU) in respect of Essex Coast Recreational Avoidance and Mitigation Strategy, (Essex RAMS). This was seconded by Councillor J C Stilts.

The Chairperson then put the proposal to approve the application subject to completion of the above mentioned UU with conditions (to include a requirement that the property remains as a holiday let), delegated to Officers in consultation with the Chairperson and this was unanimously agreed.

**RESOLVED** that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairperson and completion of a Unilateral Undertaking.

**218. 23/00603/FUL - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX**

<b>Application Number</b>	<b>23/00603/FUL</b>
<b>Location</b>	The Kings Head Centre, 38 High Street, Maldon, Essex
<b>Proposal</b>	Change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Tim Farley – Copesticks Ltd.
<b>Target Decision Date</b>	05.09.2023
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>



<b>Reason for Referral to the Committee / Council</b>	<p>Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence.</p> <p>With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.</p>
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Following the Officer's presentation, the Agent, Mr Tim Farley addressed the Committee. The Chairperson then opened the discussion.

Councillor J C Stills proposed that the application be approved contrary to the Officer's recommendation to include conditions requiring details of noise mitigation measures together with a Unilateral Undertaking in respect of Essex RAMS. This was seconded by Councillor K Jennings. Officers advised that the delegated conditions would include a requirement that the property remains as a holiday let.

The Chairperson put the proposal to approve, subject to the above mentioned condition and other delegated conditions agreed in consultation with the Chairperson, together with completion of a Unilateral Undertaking in respect of RAMS and it was unanimously agreed.

**RESOLVED** that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairperson and completion of a Unilateral Undertaking.

## 219. 23/00604/LBC - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX

<b>Application Number</b>	<b>23/00604/LBC</b>
<b>Location</b>	The Kings Head Centre, 38 High Street, Maldon, Essex
<b>Proposal</b>	Works associated with change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) to part of first floor fronting the High Street including installation of secondary glazing.
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Tim Farley – Copesticks Ltd.
<b>Target Decision Date</b>	05.09.2023
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>

<p><b>Reason for Referral to the Committee / Council</b></p>	<p>Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence.</p> <p>With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.</p>
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Following the Officer's presentation the Agent, Mr Tim Farley addressed the Committee. The Chairperson then opened the discussion.

Councillor K M H Lagan opened the discussion by noting that the Specialist – Heritage and Conservation's concerns regarding the secondary double glazing proposed had been addressed. Officers advised that it would be necessary to impose a condition requiring details of the air conditioning units referenced in the application. Councillor K M H Lagan then proposed that listed building consent be granted contrary to Officers' recommendation with all conditions delegated to Officers in consultation with the Chairperson. This was seconded by Councillor N D Spenceley.

There being no further discussion the Chairperson put the proposal to grant building consent and this was unanimously agreed.

**RESOLVED to GRANT** Listed Building Consent with conditions delegated to Officers in consultation with the Chairperson.

**220. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT**

There being no other items of business the Chairperson closed the meeting at 8.05 pm.

J DRIVER  
CHAIRPERSON



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 NOVEMBER 2023**

<b>Application Number</b>	<b>23/00603/FUL</b>
<b>Location</b>	The Kings Head Centre, 38 High Street, Maldon, Essex
<b>Proposal</b>	Change of use from office use (Class E(g)(i)) and former treatment rooms (Class E (e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Tim Farley – Copesticks Ltd.
<b>Target Decision Date</b>	05.09.2023
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence. With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.

**1. RECOMMENDATION**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

**2. SITE MAP**

Please see below.



### **3. SUMMARY**

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

- 3.1.1 At the Central Area Planning Committee on 30 August 2023 it was resolved to grant planning permission for the following description of development at the Kings Head Centre: *Change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing*, subject to a financial contribution towards the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being secured and the imposition of conditions. The planning permission has not been issued as the financial contribution has not been secured and it has since come to light that the description of the development did not fully reflect the applicant's proposal (reference to a second short term holiday let had been omitted). The description has since been amended, the application republicised and consultees re-notified. The following text is the same as the Officer report previously published but it has been updated where necessary, including to reflect the revised description and documents submitted along with the fact that the Council has already resolved to grant planning permission for the development proposed.
- 3.1.2 The Kings Head Centre forms a collection of buildings extending between the High Street and White Horse Lane to the south. A pedestrian walkway with some commercial units fronting extends between the two streets. The application relates to part of the first-floor accommodation which "fronts" High Street and forms part of the historic element of the Kings Head Centre. There is a public car park on the opposite side of White Horse Lane to the rear and commercial units either side. The site is within the Maldon Conservation Area and the Kings Head Centre is a grade II listed building.
- 3.1.3 Planning permission is sought for the change of use of former office accommodation and treatment rooms at first floor level into 2no. one bedroom short term holiday lets. It is understood that the former treatment rooms the subject of this application have, until recently, been unlawfully used as a residential flat.
- 3.1.4 There are no alterations to the exterior of the building indicated on the drawings submitted. Internally, a partition is proposed to create a bathroom and a doorway into one of the rooms. Secondary glazing to all of the windows is proposed and reference is made to the proposed installation of A/C units.
- 3.1.5 The existing access is via the corridor area at ground floor level that leads to the main staircase to the first floor level.
- 3.1.6 One of the holiday lets would accommodate 61sq.m. of floorspace which includes 36sq.m. of existing office floorspace. The second holiday let extends to around 68sq.m. of floorspace as well as an external terrace of around 24sq.m.
- 3.1.7 Bin storage would be located within the adjacent courtyard.
- 3.1.8 The application is accompanied by a Planning, Heritage, Design and Access Statement (October 2023) and a Noise survey and assessment (September 2023).
- 3.1.9 The Noise Survey and Assessment (September 2023) concludes that the '*If mitigation measures are included to achieve the specified internal noise levels, future residents of the proposed development will be protected from the dominant noise sources. Mitigation measures should include the use of appropriate acoustically rated glazing and A/C units for heating and cooling.*'

3.1.10 The application is also accompanied by a Marketing Report by Key Mann (July 2023) which includes an overview of the market, commentary on the UK economy and office market including the local Maldon market as well as information regarding the marketing strategy of the property and an overview of the enquiries, viewings and offers received.

3.1.11 The application follows an appeal which was dismissed for the change of use of the same floorspace as one of the short term holiday lets proposed to a one bedroom residential flat (application reference 21/01266/FUL). The Inspector commented as follows:

*The existing site layout plan (drawing 40E) shows two office rooms and a kitchen occupying the first floor space at the front of building. The office rooms are shown as a self-contained unit while the kitchen is accessed from 'Apartment 3' that forms the middle part of the first floor. The offices were formerly occupied by a marine electronics company who have now moved elsewhere in the district. The proposed room layout is now in situ.*

*At my site visit, I observed that the room layout shown on the proposed floor/block plan (drawing 50A) is already broadly in place. No secondary glazing has been installed to any window although the canted bay window in the bedroom has plantation shutters fixed to the cill and frame. There was no obvious sign of any mechanical ventilation heating recovery (MVHR) system or acoustic wall lining. Therefore, the sound proofing works have yet to be implemented. I have assessed the Appeal .... scheme as part implemented and part proposed.*

3.1.12 The previous appeal was dismissed as the adverse impacts (the loss of employment use and the uncertain listed building and living conditions effects) significantly and demonstrably outweighed the benefits of the provision of an additional residential flat. The current application seeks to address these concerns through the submission of additional/revised supporting information. The conversion of former treatment rooms into a second holiday let has also been included.

### **3.2 Conclusion**

3.2.1 It is considered that the proposal is no less acceptable than the proposal considered at the Central Area Planning Committee on 31 August 2023 in relation to listed building and living conditions effects, taking into account the additional information submitted as part of the current application. The necessary financial contribution towards RAMS has not been secured but any further resolution to grant planning permission could be subject to a Section 106 Agreement having, first, being entered into by the relevant parties.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations

- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

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

- Policy S1 – Sustainable Development
- Policy S5 – Maldon and Heybridge Central Area
- Policy S8 – Settlement Boundaries and the Countryside
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy E1 – Employment
- Policy E3 – Community Services and Facilities
- Policy E5 – Tourism
- Policy N1 – Green Infrastructure Network
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon and Heybridge Central Area Masterplan SPD

### **5. MAIN CONSIDERATIONS**

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, the impact on heritage assets, any impact on the amenity of the occupiers of existing residential properties, the quality of life for occupiers of the proposed holiday home, parking provision and the impact on nature conservation.

#### **5.2 Principle of Development**

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment,

sustainable communities, the effects of climate change, avoiding unjustified development in flood risk areas, the historic environment, local infrastructure and services, the character and appearance of development, and minimising the need to travel.

- 5.2.2 Policy S5 states that proposals for retail, office, housing, community, leisure uses and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.
- 5.2.3 Policy E1 of the Local Development Plan (LDP) states that proposals which will cause any loss of existing employment uses will only be considered under certain circumstances, as follows:
- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or
  - 2) The site would have a greater benefit to the local community if an alternative use were permitted; or
  - 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.
- 5.2.4 Policy E2, in relation to Town Centre Areas, states that proposals for the development of retail, office, tourism, cultural, community, residential and other main town centre uses, as defined by national planning policy, will be permitted within defined Town Centre Areas where:
- 1) The scale and type of development proposed is directly related to the role and function of the centre and its catchment; and
  - 2) There would be no significantly adverse impact on the vitality and viability of the centre or other centres.
- 5.2.5 Policy E5 states that the Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. Development for new tourist attractions, facilities and accommodation will be supported across the District where it can be demonstrated that:
- 1) There is an identified need for the provision proposed;
  - 2) Where possible, there are good connections with other tourist destinations, the green infrastructure network and local services, preferably by walking, cycling or other sustainable modes of transport;
  - 3) There will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people; and
  - 4) Any adverse impact on the natural and historic environment should be avoided wherever possible. Where an adverse impact is unavoidable, the proposal should clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. Where a development is deemed relevant to internationally designated sites, the Council will need to be satisfied that a project level HRA has been undertaken and that no potential significant adverse impact has been identified.
- 5.2.6 As the proposal is for short-term holiday lets to replace the lawful office use and beauty treatment rooms in a town centre, Policies S5, E1, E2 and E5 are relevant to the assessment of the proposal. It is considered that the use proposed in the town centre, given its nature and scale, would not conflict with Policies S5 and E2.



- 5.2.7 Furthermore, the site is within the settlement of Maldon which is classified as a 'main settlement' within the District, as detailed within policy S8 of the LDP. The main settlements are those with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links. The occupiers of the site would have access to a good range of services and facilities by means other than the private car. The site is located within the town centre and walking distance of the Leisure Quarter of the Maldon Central Area (which includes Promenade Park) and there are bus stops within the vicinity of the site. This good level of accessibility weighs in favour of the proposal.
- 5.2.8 With respect to the criteria within Policy E5, it is not considered that the proposal conflicts with criterion 2) or 3) i.e there are good connections with other tourist destinations, the green infrastructure network and local services, by walking, cycling or other sustainable modes of transport and there will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people (see below). Furthermore, whilst very limited supporting information has been provided to demonstrate that there is an identified need for the provision proposed (criterion 1), the Council has commissioned a Visitor Accommodation Study as part of the review of the LDP, the initial results of which have been received (November 2022) but not yet published. Following internal discussions, Officers understand that the results support the provision of additional holiday accommodation within the District including accommodation in Maldon. Therefore, it is not considered that the proposal is contrary to this criterion.
- 5.2.9 With respect to criterion 4, the adverse impact on nature conservation could be effectively mitigated provided that a financial contribution towards the RAMS is secured. Whilst no Unilateral Undertaking (UU) has been submitted as part of the application at the time of writing this report, any resolution to grant planning permission could be subject to all interested parties first entering into a Section 106 Agreement to secure the payment (see below).
- 5.2.10 The Kings Head Centre is a mixed-use development of commercial and residential uses. There is no objection to the provision of additional holiday lets in Maldon town centre. Furthermore, with respect to the requirements of Policy E1, on the basis that the use proposed would be a commercial one and it is stated that employment for one full time worker would be created, it is reasonable to conclude that the use of the premises as holiday lets would generate a level of employment. It is also noted that only a limited amount of office floorspace (around 36sq.m.) would be lost. It is, therefore, not considered that assessment of the proposal against the criteria of Policy E1 is necessary, unlike the proposal the subject of the previous appeal.
- 5.2.11 The development would also generate at least some economic benefits through the completion of the construction of the development and additional expenditure in the local economy by the occupiers of the holiday lets. This economic benefit would weigh in favour of the proposal but would be limited as only two holiday lets are proposed.
- 5.2.12 Based on the above, no objections are raised to the principle of the change of use proposed, in compliance with Policies S1, S5 and E1, and the employment loss related reason the previous appeal was dismissed has been overcome.

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

- 5.3.1 Policy D1 of the LDP is applicable to the consideration of design. This Policy, coupled with the NPPF, aims to ensure good design taking into account matters

including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.2 In addition, the application site is located within the Maldon Conservation Area. Policy D3 states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 5.3.3 The proposal is for a change of use only and there are no proposed changes to the external appearance of the building included on the drawings submitted. However, it is noted that reference is made in the Noise Survey and Assessment submitted to the provision of air conditioning units which are not included on the drawings submitted (although it is noted that there are two existing air conditioning units on the southern elevation of the building). However, details of the units could be required by condition if planning permission were to be granted.
- 5.3.4 Therefore, the proposal would not have an adverse impact on the character and appearance of the area and the Conservation Area, in compliance with Policies D1 and D3 of the LDP. The Specialist – Conservation and Heritage concurs with this view.

#### **5.4 Impact on the Listed Building**

- 5.4.1 Policy D3 of the LDP states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Development that affects a heritage asset will be required to 'preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest'.
- 5.4.2 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.
- 5.4.3 The King's Head is a grade II listed building situated in the Maldon Conservation Area. It is a 15th-century timber-framed building upgraded with a brick façade in the 18th-century. Overall, the King's Head is a building of considerable architectural and historic interest and it makes an important contribution to the special character of this part of the conservation area.
- 5.4.4 The Specialist – Conservation and Heritage raises no objection to the proposal in principle. The Specialist has also commented that the reopened doorway has involved the removal of modern plasterboard and no loss of historic fabric and the new partition is a reversible intervention and has resulted in no harm to the character of the interior. In addition, based on the comprehensive drawings relating to secondary glazing, the Specialist is satisfied that these should not detract from the special character of the building. However, the Specialist notes that the noise assessment report recommends the use of air conditioning units to the listed building but that the locations of the proposed units have not been shown on the submitted plans. The Specialist advises that the units should be located where they will have minimal impact on the character and appearance of the heritage assets. As stated

above, details of the air conditioning units could be required by condition if planning permission were to be granted. The Specialist also notes that it is now clear no external wall insulation is proposed.

- 5.4.5 As a result, it is considered that the proposal would not have an adverse impact on the integrity of the listed building, in compliance with Policy 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 (2017).
- 5.5.2 One of the requirements of Policy D2 is to minimise all forms of possible pollution including air, land, water, odour, noise and light. The Policy states that any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.5.3 The level of floorspace, at around 61-68sq.m., proposed is considered to be sufficient for one-bedroom holiday lets and all of the habitable rooms proposed would be provided with an adequate level of natural ventilation, daylight and outlook.
- 5.5.4 The application is supported by a Noise Survey and Assessment which concludes that satisfactory noise levels within the holiday units could be provided subject to sound proofing works including secondary glazing and air conditioning units.
- 5.5.5 The Specialist – Environmental Health has no comments to make on the proposal.
- 5.5.6 Taking this advice into account, it is considered that the occupiers of the proposed holiday lets would not be exposed to a level of noise disturbance which would be harmful to their quality of life provided that the noise mitigation measures recommended are installed. Therefore, the current proposal would provide an adequate quality of life for the occupiers of the proposed holiday lets, in accordance with Policies D1 and D2 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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.6.3 No off-street parking would be provided for the occupiers of the proposed holiday lets. However, in this part of Maldon town centre there is little scope for any lawful on-street parking. In these circumstances, even if the future occupiers of the development were to have a car, it seems unlikely that it could be parked on-street

anywhere in the vicinity, other than for occasional purposes such as loading and unloading. Given the restrictions in force, any parking or waiting for those kinds of purposes would of necessity be likely to be brief, and any inconvenience would thus be temporary and limited. There is no evidence that this type of usage would be likely to cause any significant problems or add noticeably to any that already exist. There is also a public car park directly opposite the property.

- 5.6.4 Furthermore, the existing lawful use of the building is likely to generate at least some vehicular traffic in any event and the location is one where car use would not be essential. Most of the town's facilities are within walking distance. Public transport is available close by. A condition could be imposed if planning permission were to be granted requiring a bicycle store. Therefore, it is considered that a refusal of permission on this ground is not justified.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 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.
- 5.7.6 Policy E5 (criterion 4) also requires that any adverse impact on nature conservation needs to be effectively mitigated.
- 5.7.7 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast RAMS, to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (Zoi) of these sites cover the whole of the Maldon District.

- 5.7.8 NE anticipate that, in the context of the Local Planning Authority's (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots. Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE has provided an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.9 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that an HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.10 To accord with NE's requirements, an Essex Coast RAMS HRA Record would need to be completed by the LPA to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance.
- 5.7.11 To accord with NE's requirements and to accord with their consultation response along with the advice from Essex County Council (ECC) Ecology, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute an LSE to a European site in terms of increased recreational disturbance, as follows:

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

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

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

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

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

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites due to the nature, scale and location of the development proposed. Based on this and taking into account NE's

advice, it is considered that mitigation, in the form of a financial contribution, is necessary, in this case.

- 5.7.12 The application has not been accompanied by a Unilateral Undertaking to secure the necessary financial contribution (£156.76 per dwelling) at the time of writing this report. Therefore, the off-site impacts of the development on nature conservation will not be adequately mitigated but any further resolution to grant planning permission could be subject to a Section 106 Agreement having, first, being entered into by the relevant parties.

## **5.8 Planning Balance**

- 5.8.1 The proposal would provide holiday lets which may benefit tourism within the District. However, this benefit would be limited as only two holiday lets are proposed. The Council has resolved to grant planning permission for one holiday let. It is not considered that an additional holiday let would have any greater adverse impact on heritage assets or the quality of life for the occupiers of the proposed accommodation and the off-site impacts of the development on nature conservation could be adequately mitigated. The proposal is, therefore, in compliance with Policies N1, N2, D1, D2, D3 and I2 of the LDP.
- 5.8.2 No objection to the proposal is raised in relation to the impact on the character or appearance of the area or the absence of off-street parking provision, in this case.
- 5.8.3 The development proposed would, therefore, be sustainable, and is recommended for approval below.

## **6. ANY RELEVANT SITE HISTORY**

- **23/00995/PACUCD** – Prior notification for the change of use of suite 5 from office (Use Class E) to residential (Use Class C3). Undetermined
- **23/00604/LBC** Works associated with change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) to part of first floor fronting the High Street including installation of secondary glazing. Undetermined.
- **23/00490/FUL** Proposed change of use from (Class E(e)) Osteopath treatment rooms to (Sui Generis) short term holiday let accommodation. Undetermined
- **22/01215/FUL** Proposed part change of use of units 16 and 17 from retail use (Class E) to a Deli / Bar and takeaway (Sui Generis). Approved 14.02.2023
- **22/01147/LBC** Partial demolition of existing chimney stack above flat 3 to pitch line of roof and rebuild a lower height chimney stack. Approved 05.01.2023
- **22/00483/FUL** Proposed change of use of units 11 and 12-14a from retail use to a Deli / Bar and takeaway with external seating. Approved 08.07.2022
- **21/01268/FUL** Change of use from suite of treatment rooms to a 1 bedroom residential flat at part first floor level fronting White Horse Lane. Appeal dismissed 10.02.2023
- **21/01266/FUL 21/01267/LBC** Change of use from 2no offices and existing additional kitchen to adjoining flat into a 1 bedroom flat at part first floor level fronting the High Street. Appeal dismissed 10.02.2023
- **21/00633/COU** Proposed change of use from suite of treatment rooms to a 1 bedroom residential flat at part first floor level fronting White Horse Lane. Refused 11.10.2021
- **21/00634/FUL 21/00635/LBC** Section 73A application for the completion of the change of use from offices to a 1 bedroom flat, incorporating the additional kitchen from the adjoining flat as its bedroom at part first floor level fronting the

High Street. Planning permission refused 14.10.2021. Listed building consent granted 14.10.2021

- **18/00275/FUL** Change of use of first floor office from use class B1 to use class D1 to be used in conjunction with existing osteopathy clinic at offices numbered 2 and 4. Approved 24.04.18
- **16/00925/FUL** Change of use from offices to residential, including a single and double bedsit at Suite 5, second floor, 11-14 Kings Head Centre. The proposals are alterations to the existing staircase and the introduction of studwork partitions to form the separation between the bedsit's and form the single bedsit bathroom / kitchenette. The double bedsit will retain the existing bathroom / kitchenette. Previously to the Office use was Residential. Approved 03.11.16
- **16/01421/FUL 16/01422/LBC** Rear three storey extension The proposals are to bring forward the existing facade so it exactly matches the existing section of the building so it lines through with the existing adjoining two storey extension, including the brick plinth course, oak timber frame, weatherboarding and render, shop fronts, windows and overhanging balcony window at second floor level, all with slate roof over. The 3 storey Extension will form a new retail shop at ground level, an additional treatment room at first floor and enlarging single bedsit to a double at second floor level. Approved 30.01.17
- **15/01054/FUL** Changing the use from residential to business, no changes to any of the structure. Approved 07.12.15
- **14/00561/FUL** Change of use from office to a 1 bedroom flat. Approved 31.10.14
- **10/00485/FUL** Change of use from office to consulting room. Approved 16.08.10
- **06/01305/FUL** Change of use of part first floor to Osteopathic Clinic. Approved 10.01.07
- **94/00817/FUL 94/00818/LBC** Change of use of first floor to Body Studio beauty room and hairdressers and form new access and lobby to flat 2. Approved 12.01.1995
- **94/00486/FUL 94/00487/LBC** Conversion of first floor to 3no. flats with consequential internal alterations at first floor. Approved 25.08.1994

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends approval subject to the conditions set by the District Council being complied with.	Noted.

### 7.2 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Specialist – Environmental Health	No observations.	Noted – refer to section 5.5 of report.
Specialist – Heritage and Conservation	The revised assessment includes information on the types of external wall insulation already in place. Based on the information before me I advise this appears to have result in	Noted - refer to sections 5.3 and 5.4 of report.

Name of Internal Consultee	Comment	Officer Response
	<p>no harm to the listed building's significance. I gather from the report that no additional insulation is proposed. I note that there is still no information on the locations of the proposed air-conditioning units. I would recommend that this is requested prior to the units' installation via a condition attached to the listed building consent. Notwithstanding the above comments I advise that the proposal should cause no harm to the significance of the listed building or that of the conservation area. As such the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For these reasons I raise no objection to this application, subject to the aforementioned condition regarding the location of the proposed air-conditioning units.</p>	

### 7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

### 8. HEADS OF TERMS OF ANY SECTION 106 AGREEMENT, INCLUDING PROPOSED CONDITIONS.

#### HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Financial contribution towards RAMS

#### PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).



2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
  
Premises as Existing drawing 61E  
Premises as Proposed drawing 69A  
Window detail drawing no. 63  
Window detail drawing no. 66A  
Noise survey and assessment (September 2023) PC-21-0245-RP1 rev.E  
REASON To ensure that the development is carried out in accordance with the details as approved.
3. The use hereby permitted shall not commence until all of the noise mitigation measures included in the Noise Survey and Assessment (September 2023) PC-21-0245-RP1 rev.E for the accommodation the subject of this application have been installed and it has been demonstrated to the local planning authority that the predicted noise levels have been achieved. The mitigation measures shall be retained, as approved, thereafter.  
REASON To ensure that an adequate quality of life for the occupiers of the holiday lets are provided in accordance with Policy D2 of the approved Maldon District Local Plan and the NPPF.
4. The size, appearance and locations of any air-conditioning units associated with the approved development shall be submitted to and agreed in writing with the local planning authority prior to their installation.  
REASON The noise assessment report accompanying the application recommends the use of air-conditioning units, but the submitted drawings do not indicate the locations of the proposed units. This condition is necessary to ensure that the units will have minimal impact on the character and appearance of the listed building and conservation area, in compliance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.
5. The development hereby approved shall be used as holiday accommodation and at no time shall the unit be occupied continuously for a period exceeding 28 days by the same person(s) or reoccupied within 3 months of vacating the accommodation by the same person(s).  
REASON To prevent permanent residential occupation of the holiday let, in accordance with Policies S5, E2 and E5 of the Maldon District Local Development Plan and the NPPF.
6. The owners / operators shall maintain an up to date register of the names of all persons who stay within the approved holiday accommodation on the site, the duration of their stay, and an indication of their main home addresses by way of road name and town and shall make this information available at all reasonable times to the Local Planning Authority.  
REASON To prevent permanent residential occupation of the holiday let, in accordance with Policies S5, E2 and E5 of the Maldon District Local Development Plan and the NPPF.
7. The use hereby permitted shall not commence until provision has been made for the storage of bicycles within the site in accordance with details which have been submitted to and gained the prior written approval of the local planning authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter. The storage facility shall be retained as approved in perpetuity.  
REASON To promote the use of sustainable means of transport in accordance with Policy T2 of the approved Maldon District Local Development Plan and the NPPF.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 NOVEMBER 2023**

<b>Application Number</b>	<b>23/00604/LBC</b>
<b>Location</b>	The Kings Head Centre, 38 High Street, Maldon, Essex
<b>Proposal</b>	Works associated with proposed change of use from office use (Class E(g)(i)) and former treatment rooms (Class E ( e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Tim Farley – Copesticks Ltd.
<b>Target Decision Date</b>	05.09.2023
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence. With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.



### **3. SUMMARY**

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

- 3.1.1 At the Central Area Planning Committee on 30 August 2023, it was resolved to grant listed building consent for the following description of development at the Kings Head Centre: *Works associated with change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) to part of first floor fronting the High Street including installation of secondary glazing*, subject to the imposition of conditions. The listed building consent has not been issued as it has since come to light that the description of the development did not fully reflect the applicant's proposal (reference to a second short term holiday let had been omitted). The description has since been amended, the application republicized and consultees re-notified. The following text is the same as the Officer report previously published but it has been updated where necessary including to reflect the revised description and documents submitted along with the fact that the Council has already resolved to grant listed building consent for the development proposed.
- 3.1.2 The Kings Head Centre forms a collection of buildings extending between the High Street and White Horse Lane to the south. A pedestrian walkway with some commercial units fronting extends between the two streets. The application relates to part of the first-floor accommodation which "fronts" High Street and forms part of the historic element of the Kings Head Centre. There is a public car park on the opposite side of White Horse Lane to the rear and commercial units either side. The site is within the Maldon Conservation Area and the Kings Head Centre is a grade II listed building.
- 3.1.3 Listed building consent is sought for works associated with the proposed change of use from office use (Class E(g)(i)) and former treatment rooms (Class E (e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing. It is understood that the former treatment rooms the subject of this application have, until recently, been unlawfully used as a residential flat.
- 3.1.4 There are no alterations to the exterior of the building indicated on the drawings submitted. Internally, a partition is proposed to create a bathroom and a doorway into the former kitchen referred to above would be created. Secondary glazing to all of the windows is proposed and reference is made to the proposed installation of A/C units.
- 3.1.5 The application is accompanied by a Planning, Heritage, Design and Access Statement (October 2023) and a Noise survey and assessment (September 2023).
- 3.1.6 The Noise Survey and Assessment concludes that, if '*mitigation measures are included to achieve the specified internal noise levels, future residents of the proposed development will be protected from the dominant noise sources. Mitigation measures should include the use of appropriate acoustically rated glazing and A/C units for heating and cooling*'.
- 3.1.7 The application is also accompanied by a Marketing Report by Key Mann (July 2023) which includes an overview of the market, commentary on the UK economy and office market including the local Maldon market as well as information regarding the marketing strategy of the property and an overview of the enquiries, viewings and offers received.
- 3.1.8 The application follows an appeal which was dismissed for listed building consent for works associated with the change of use of the same floorspace as one of the

holiday lets proposed to a one bedroom residential flat (application reference 21/01267/LBC). The Inspector commented as follows:

*The existing site layout plan (drawing 40E) shows two office rooms and a kitchen occupying the first floor space at the front of building. The office rooms are shown as a self-contained unit while the kitchen is accessed from 'Apartment 3' that forms the middle part of the first floor. The offices were formerly occupied by a marine electronics company who have now moved elsewhere in the district. The proposed room layout is now in situ.*

*At my site visit, I observed that the room layout shown on the proposed floor/block plan (drawing 50A) is already broadly in place. No secondary glazing has been installed to any window although the canted bay window in the bedroom has plantation shutters fixed to the cill and frame. There was no obvious sign of any mechanical ventilation heating recovery (MVHR) system or acoustic wall lining. Therefore, the sound proofing works have yet to be implemented. I have assessed the Appeal .... scheme as part implemented and part proposed.*

- 3.1.9 The previous appeal was dismissed due to the uncertain listed building effects. The current application seeks to address these concerns through the submission of additional/revised supporting information. The conversion of former treatment rooms into a second holiday let has also been included.

### **3.2 Conclusion**

- 3.2.1 It is considered that the proposal is no less acceptable than the proposal considered at the Central Area Planning Committee on 31 August 2023 in relation to listed building effects, taking into account the additional information submitted as part of the current application.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 189-208 Conserving and enhancing the historic environment

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

- Policy S1 – Sustainable Development
- Policy S5 – Maldon and Heybridge Central Area
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment

- Policy D3 – Conservation and Heritage Assets

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)

### **5. MAIN CONSIDERATIONS**

- 5.1 The issue which requires consideration as part of the determination of this application is the impact of the works proposed on the integrity of the listed building.

#### **5.2 Impact on the Listed Building**

- 5.2.1 Policy D3 of the Local Development Plan (LDP) states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Development that affects a heritage asset will be required to 'preserve or enhance its special character, appearance, setting .... and any features and fabric of architectural or historic interest'.
- 5.2.2 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.
- 5.2.3 The King's Head is a grade II listed building situated in the Maldon Conservation Area. It is 15th-century timber-framed building upgraded with a brick façade in the 18th-century. Overall, the King's Head is a building of considerable architectural and historic interest and it makes an important contribution to the special character of this part of the conservation area.
- 5.2.4 The Specialist – Conservation and Heritage raises no objection to the proposal in principle. The Specialist also commented that the reopened doorway has involved the removal of modern plasterboard and no loss of historic fabric and the new partition is a reversible intervention and has resulted in no harm to the character of the interior. In addition, the Specialist has also advised that based on the comprehensive drawings relating to secondary glazing, he is satisfied that these should not detract from the special character of the building. However, the Specialist notes that the noise assessment report recommends the use of air conditioning units to the listed building but that the locations of the proposed units have not been shown on the submitted plans. The Specialist advises that the units should be located where they will have minimal impact on the character and appearance of the heritage assets. Details of the air conditions units could be required by condition if listed building consent were to be granted. The Specialist also noted that it is now clear no external wall insulation is proposed.
- 5.2.5 As a result, it is considered that the current proposal would not have an adverse impact on the integrity of the listed building, in compliance with Policy D3 of the LDP.

### **6. ANY RELEVANT SITE HISTORY**

- **23/00995/PACUCD** – Prior notification for the change of use of suite 5 from office (Use Class E) to residential (Use Class C3). Undetermined

- **23/00603/FUL** Change of use from office use (Class E(g)(i)) and former treatment rooms (Class E (e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing. Undetermined.
- **23/00490/FUL** Proposed change of use from (Class E(e)) Osteopath treatment rooms to (Sui Generis) short term holiday let accommodation. Undetermined
- **22/01215/FUL** Proposed part change of use of units 16 and 17 from retail use (Class E) to a Deli / Bar and takeaway (Sui Generis). Approved 14.02.2023
- **22/01147/LBC** Partial demolition of existing chimney stack above flat 3 to pitch line of roof and rebuild a lower height chimney stack. Approved 05.01.2023
- **22/00483/FUL** Proposed change of use of units 11 and 12-14a from retail use to a Deli / Bar and takeaway with external seating. Approved 08.07.2022
- **21/01268/FUL** Change of use from suite of treatment rooms to a 1 bedroom residential flat at part first floor level fronting White Horse Lane. Appeal dismissed 10.02.2023
- **21/01266/FUL 21/01267/LBC** Change of use from 2no offices and existing additional kitchen to adjoining flat into a 1 bedroom flat at part first floor level fronting the High Street. Appeal dismissed 10.02.2023
- **21/00633/COU** Proposed change of use from suite of treatment rooms to a 1 bedroom residential flat at part first floor level fronting White Horse Lane. Refused 11.10.2021
- **21/00634/FUL 21/00635/LBC** Section 73A application for the completion of the change of use from offices to a 1 bedroom flat, incorporating the additional kitchen from the adjoining flat as its bedroom at part first floor level fronting the High Street. Planning permission refused 14.10.2021. Listed building consent granted 14.10.2021
- **18/00275/FUL** Change of use of first floor office from use class B1 to use class D1 to be used in conjunction with existing osteopathy clinic at offices numbered 2 and 4. Approved 24.04.18
- **16/00925/FUL** Change of use from offices to residential, including a single and double bedsit at Suite 5, second floor, 11-14 Kings Head Centre. The proposals are alterations to the existing staircase and the introduction of studwork partitions to form the separation between the bedsit's and form the single bedsit bathroom / kitchenette. The double bedsit will retain the existing bathroom / kitchenette. Previously to the Office use was Residential. Approved 03.11.16
- **16/01421/FUL 16/01422/LBC** Rear three storey extension The proposals are to bring forward the existing facade so it exactly matches the existing section of the building so it lines through with the existing adjoining two storey extension, including the brick plinth course, oak timber frame, weatherboarding and render, shop fronts, windows and overhanging balcony window at second floor level, all with slate roof over. The 3 storey Extension will form a new retail shop at ground level, an additional treatment room at first floor and enlarging single bedsit to a double at second floor level. Approved 30.01.17
- **15/01054/FUL** Changing the use from residential to business, no changes to any of the structure. Approved 07.12.15
- **14/00561/FUL** Change of use from office to a 1 bedroom flat. Approved 31.10.14
- **10/00485/FUL** Change of use from office to consulting room. Approved 16.08.10
- **06/01305/FUL** Change of use of part first floor to Osteopathic Clinic. Approved 10.01.07
- **94/00817/FUL 94/00818/LBC** Change of use of first floor to Body Studio beauty room and hairdressers and form new access and lobby to flat 2. Approved 12.01.1995
- **94/00486/FUL 94/00487/LBC** Conversion of first floor to 3no. flats with consequential internal alterations at first floor. Approved 25.08.1994



## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends approval	Noted.

### 7.2 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Specialist – Heritage and Conservation	<p>The revised assessment includes information on the types of external wall insulation already in place. Based on the information before me I advise this appears to have result in no harm to the listed building's significance. I gather from the report that no additional insulation is proposed. I note that there is still no information on the locations of the proposed air-conditioning units. I would recommend that this is requested prior to the units' installation via a condition attached to the listed building consent.</p> <p>Notwithstanding the above comments I advise that the proposal should cause no harm to the significance of the listed building or that of the conservation area. As such the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For these reasons I raise no objection to this application, subject to the aforementioned condition regarding the location of the proposed air-conditioning units.</p>	Noted - refer to section 5.2 of report.

### **7.3 Representations received from Interested Parties**

7.3.1 No letters of representation have been received.

### **8. PROPOSED CONDITIONS**

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

REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Premises as Existing drawing 61e

Premises as Proposed drawing 69A

Window detail drawing no. 63

Window detail drawing no. 66A

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

3. The size, appearance and locations of any air-conditioning units associated with the approved development shall be submitted to and agreed in writing with the local planning authority prior to their installation.

REASON The noise assessment report accompanying the application recommends the use of air-conditioning units, but the submitted drawings do not indicate the locations of the proposed units. This condition is necessary to ensure that the units will have minimal impact on the character and appearance of the listed building and conservation area, in compliance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 NOVEMBER 2023**

<b>Application Number</b>	<b>23/00943/FUL &amp; 23/00944/LBC</b>
<b>Location</b>	43-45 High Street, Maldon, CM9 5PF
<b>Proposal</b>	Installation of condenser units and full internal alterations/refurbishment.
<b>Applicant</b>	Mr Jon Birtles - Loungers UK Limited
<b>Agent</b>	Elizabeth Lawrence - Turley
<b>Target Decision Date</b>	27 November 2023
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor N R Miller for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D3 (Conservation and Heritage Assets)

**1. RECOMMENDATION**

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

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


**2. SITE MAP**

Please see below.

# 43-45 High Street - Maldon

23/00943/FUL & 23/00944/LBC



 <p><b>Copyright</b> For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:625
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	03/11/2023
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of the High Street within the settlement boundary of Maldon and within the Maldon Conservation Area. The site is occupied by a three-storey mid terrace Grade II Listed Building, with a mixed use of commercial at ground floor level and residential at first and second floor level.
- 3.1.2 Planning permission is sought for the installation of 5No. condenser units contained within a 4 sided acoustic, louvred enclosure and 1No cellar cooler condenser unit contained within a 4 sided acoustic, louvred enclosure.
- 3.1.3 Listed building consent is sought for full internal alterations and refurbishment
- 3.1.4 The proposed condenser units would be located on the side, eastern, elevation towards the rear of the building within the external yard of the application site.
- 3.1.5 The proposed internal alterations and refurbishment would include the installations of a bar, toilets, a kitchen area as well as the installation of an extraction and ventilation system. The ground floor of 43-45 High Street has been vacant for many years, with a Morrison's Local being the last to occupy the space, and previous to that it was a post office. Both of these previous uses would have fallen within Use Class A1 of the Town and Country Planning Use Classes Order 2007 (as amended) prior to September 2020. From 1 September 2020 Use Class A1/2/3 were revoked and replaced with a new Use Class E. Class E combines what were previously retail shops (A1), financial and professional services (A2), and restaurants and cafes (A3). Class E also contains the previous B1 (business) as well as parts of the previous classes of D1 (non-residential institutions), and D2 (assembly and leisure). Planning permission is not required for the change of use between any of these uses. As such, planning permission is not required for the use of the premises for the proposed business.
- 3.1.6 It should be noted that planning permission was granted on 3 June 2013 under reference 12/00609/FUL for a 'Change of use of premises from retail use (A1) into a public house (A4). The applicant was J.D Weatherspoon. Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings. This permission has now expired.

#### **3.2 Conclusion**

- 3.2.1 The proposed works are acceptable and would not cause harm to the listed building or the character and appearance of the area or the Conservation Area, in accordance with policies and D1, D3 and H4 of the Local Development Plan (LDP), chapter 16 of the NPPF and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

##### **4.1 National Planning Policy Framework 2023 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55 – 58 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 174 – 193 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets

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

- National Planning Policy Framework (NPPF) (2021)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

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

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

- 5.1.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.1.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. 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).
- 5.1.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.1.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or

historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.1.5 The principle of alterations to mixed commercial and residential premises within conservation areas is considered acceptable in line with and subject to compliance with policy D3 of the approved LDP. Nos. 43-45 High Street is a grade II listed building within the Maldon Conservation Area. It was originally built as the Literary and Mechanic's Institute with Corn Exchange to the rear. The building was designed by T. Roger Smith in 1859-60. The Institute occupied the building until 1886 where it held a library of 2000 volumes. The Corn Exchange later became the All Saints Parish Hall and has had various uses since, including the Post Office and, most recently, Morrisons Local. The front elevation is a striking composition in stock brick. It has three storeys of round-arched windows and incorporates short stone columns with carved Corinthian capitals. The centre breaks forward and is topped by a pediment. The building is listed for its architectural and historic interest as a high-quality architect-designed example of a Victorian Literary and Mechanics Institute making a positive contribution to the special character of the conservation area.

5.1.6 The Council's Conservation and Heritage Specialist has been consulted on the applications and has raised no objection to the proposed works, recommending conditions if the application were to be approved and has provided the following response:

*'The alterations proposed as part of these applications have largely already been completed. It is disappointing that work has been carried out in advance of listed building consent being granted and I certainly do not condone this. Undertaking relevant works of alteration to a listed building without consent risks prosecution or the service of enforcement notices requiring reversal of work if it is deemed that they cause harm to the listed building's significance. I would therefore caution the applicants against pursuing such an approach in the future. However, in my judgement the proposed work has not and will not cause harm to the significance of the heritage assets. I have kept a close eye on the work, making several site visits. Internally, the work has only affected modern fabric, involving the replacement of modern breezeblock partitions, repairs and redecoration. The alterations of internal layout are minor and cause no harm to the building's architectural interest. The modern suspended ceiling introduced by Morrisons Local has been removed from the rear hall, revealing the wonderful decorative roof which will remain exposed; better revealing an aspect of the building's special character. A roof leak during the building's long period of vacancy had resulted in decay to one of the roof trusses which has been sympathetically repaired. Where areas of decorative plasterwork had failed they have been sensitively restored on a like-for-like basis. Such repair work, and much of the internal redecoration work, is of such a minor nature that it does not require listed building consent. It is proposed to install / retain four condenser units externally at ground level against the east elevation of the rear hall. In this position the units are largely screened from public views by the existing boundary wall, causing no harm to the significance of the listed building or the conservation area.'*

5.1.7 The proposed condenser units would be located on the side, eastern, elevation of the building within the external yard and would not be visible from within the street scene of the High Street.

5.1.8 The proposed condenser units would be located approximately 1.6 metres from the boundary with the rear of 47 High Street, located at ground level and separated by a boundary wall. The condenser units would not be visible to the neighbouring

properties to the west as they would be blocked from view by the host building. As such, given the discreet location of the units, there would be no harmful impact on the character and appearance of the host listed building, nor the character and visual amenities of the local area. The proposal in this respect is acceptable having regard to policies D1 and D3 of the LDP

## **5.2 Impact on Residential Amenity**

- 5.2.1 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).
- 5.2.2 The application site has the residential proprieties of Flats 1 and 2 on the first and second floors of the host building and is bordered by two three storey mixed use Grade II listed buildings, No.47 (Commercial unit at ground floor) to the east and No.41 (Commercial unit at ground floor) and residential flats at first and second floor level to the west.
- 5.2.3 The proposed condenser units would sit on the ground floor. Flats 1 and 2 of the host building occupy the first and second floors above.
- 5.2.4 The Council's Environmental Health Specialist (EHS) has raised no objection in relation to the installation of the condenser units as the submitted noise management plan includes details of the acoustic screening. The EHS have advised that as long as the units are installed as described and the attenuation construction as specified in the submitted plans and supporting information, there should be no loss of amenity to the adjacent residential properties. Whilst not part of the proposed works a concern was raised in relation to odour mitigation from use of the existing metal louvres to the rear of the building which will be used as the kitchen extract. The Agent provided details of the use of the existing internal extract and ventilation system which should mitigate noise and odour from the kitchen and that they would prevent any nuisance from the low-level discharge and intake of the system. The Council's EHS has confirmed there is no objection to the measures proposed. No specific details on deliveries has been submitted only that these would be during normal trading hours. As this information is too vague it would therefore be necessary to impose a condition to detail the day and times of deliveries to protect the amenity of the neighbouring properties. The Agent has confirmed that the applicant is happy to agree to limiting deliveries to the premises between 8am-6pm 7 days a week.
- 5.2.5 Therefore, it is considered that the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

## **6. ANY RELEVANT SITE HISTORY**

- **MAL/746/79 & LB/MAL/46/79** – Post office, Approved – 8 October 1979
- **MAL/276/80 & LB/MAL/13/80** – Enlargement to car park at rear, Approved – 6 May 1980
- **MAL/526/82** – Alterations to windows, Approved – 26 August 1982
- **93/00331/FULF** - Small first floor extension and minor elevation alterations, Approved – 26 August 1993
- **93/00722/FUL** - Installation of ATM cash dispenser through existing glazed window reduced in height. New security panel surround, Approved – 10 February 1994



- **93/00723/ADV** - Flat internally illuminated machine sign within cash dispenser surround, Approved – 10 February 1994
- **94/00051/LBC** - Installation of ATM cash dispenser through existing glazed window reduced in height. Security panel infill, Grant Listed Building Consent – 10 March 1994
- **07/00426/FUL** - Retail development including rear extension and internal re-organisation/alterations to include new rear first floor and new front doors, Approved – 19 June 2007
- **07/00427/LBC** - Retail development conversion with rear extension and internal alterations including new rear first floor and new front doors, Grant Listed Building Consent – 19 June 2007
- **08/01038/FUL** - Proposed alterations to existing retail area and conversion of ground floor and upper floor to 5 flats, Refused – 13 November 2008
- **08/01061/LBC** - Proposed alterations to existing retail area and conversion of ground and upper floors to 5 flats, Refused – 13 November 2008
- **09/00549/LBC** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Grant Listed Building Consent – Grant Listed Building Consent – 21 August 2009
- **09/00550/FUL** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Approved – 21 August 2009
- **12/00609/FUL** - Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Approved – 3 June 2013
- **12/00610/LBC** - Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Grant Listed Building Consent
- **14/00103/FUL** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Approved – 17 April 2014
- **14/00104/LBC** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Grant Listed Building Consent – 17 April 2014
- **14/00468/FUL** - Minor amendments to approved planning application FUL/MAL/14/00103 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Approved – 3 July 2014
- **14/00469/LBC** - Minor amendments to approved planning application LBC/MAL/14/00104 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Grant Listed Building Consent – 3 July 2014
- **14/00492/ADV** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-

illuminated. Various internally applied vinyl window graphics, Approved – 21 August 2014

- **14/00822/LBC** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Grant Listed Building Consent – 23 January 2015
- **23/00746/ADV (Undetermined)** - Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting, (For consideration on this committee agenda)
- **23/00747/LBC (Undetermined)** - Installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations. (For consideration on this committee agenda)

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Object - These works are retrospective and result in material changes in the use of the premises to a restaurant, causing noticeable harm to the quality of life for neighbouring residents.	The premises already benefits from Class E use and this application is for the installation of the condenser units and the internal alterations of the building. As such there is no change of use involved with the proposal
	The proximity of the restaurant to these residents and its operating hours, which are not considerate of the neighbourhood, lead to noise and disturbance.	The premises is located within the High Street that already has other restaurants and bars. Furthermore, as stated above, the use benefits from deemed consent (planning permission not required as no development is involved) under the Town and Country (Use Classes) Order 2007 (as amended)
	The submitted information is insufficient to demonstrate that measures to mitigate noise and disturbance have been adequately planned as referred to in Environmental Health Specialist's response regarding concerns about fugitive odours and noise	Details have been provided by the applicant and the Environmental Health Specialist has raised no objection

Name of Parish / Town Council	Comment	Officer Response
	from the kitchen extract.	
	Additionally, the retrospective works harm the listed building's heritage asset, as well as the character and appearance of the Conservation Area. Therefore, these actions are contrary to Policies D1 and D3 of the Local Development Plan and the National Planning Policy Framework.	The Council's Conservation & Heritage Specialist has raised no objection to the proposed works. This is set out at 5.1.6 – 5.1.8 of this report

## 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objection and no recommended conditions	Noted
Environmental Health Specialist	No objection subject to recommended conditions	Noted – refer to section 5.2 of report

## 7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Cadent Gas	No objection subject to recommended informative	Noted

## 7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Increase in noise from within the premises and those coming and going	This application is solely for the installation of condenser units and internal alterations
Where are staff going to park as Bull Lane to the rear is a single track road	
Increase in traffic and congestion	
Loss of privacy from tables located on the mezzanine floor internally	
Smell from food waste and preparation	
Increased overlooking from large windows	
Bull Lane is unsuitable for large vehicles	
The building is only single glazed	
Insufficient information has been	The applicant has provided the details

Objection Comment	Officer Response
received in relation to noise and disturbance mitigation	of how this will be managed and the procedure for reporting an issue

## 8. **PROPOSED CONDITIONS**

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, LNG4165.BP, LNG4165.01, LNG4165.02, LNG4165.03A, LNG4165.04B, LNG4165.10A, L241-01, OC Innovations Odour Control Spec Sheet, Loungers Maldon – Operations and Noise Management Plan  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.  
REASON In the interest of the character and appearance of the area in accordance with Policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

### **INFORMATIVE**

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this consent.  
REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan, LNG4165.BP, LNG4165.01, LNG4165.02, LNG4165.03A, LNG4165.04B, LNG4165.10A  
REASON To ensure that the development is carried out in accordance with the details as approved.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 NOVEMBER 2023**

<b>Application Number</b>	<b>23/00947/LBC</b>
<b>Location</b>	43-45 High Street, Maldon, CM9 5PF
<b>Proposal</b>	Installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations.
<b>Applicant</b>	Mr Jon Birtles - Loungers UK Limited
<b>Agent</b>	Ms Ali Maskell - Richard Pedlar Architects
<b>Target Decision Date</b>	27 November 2023
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) and D3 (Conservation and Heritage Assets)

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

# 43-45 High Street - Maldon

23/00947/LBC



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Maldon District Council 100018588 2014

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Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 03/11/2023

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of the High Street within the settlement boundary of Maldon and within the Maldon Conservation Area. The site is occupied by a three-storey mid terrace Grade II Listed Building, with a mixed use of commercial at ground floor level and residential at first and second floor level.
- 3.1.2 Listed building consent is sought for the installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations.
- 3.1.3 The signage comprises of one externally illuminated fascia sign which would be located above the main entrance door on the front (south) elevation of the property, one externally illuminated hanging sign and one internally illuminated menu board which would both also be located on the front elevation. The fascia sign would measure 3.4 metres in width, 0.20 metres in height and 0.05 metres in depth and would be sited at its lowest point of 4.1 metres above ground level. The projecting sign would measure 0.70 metres in width, 0.80 metres in height and 0.09 metres in depth and would be sited at its lowest point 3.2 metres above ground level. The menu board would measure 0.60 metres in width, 0.70 metres in height, 0.07 metres in depth and would be sited at its lowest point 1.1 metres above ground level.
- 3.1.4 The proposed fascia sign would comprise of individual metal letters spelling out 'SALERO LOUNGE' in a mixture of gold and antique pink lettering, the sign is 0.05 metres in depth and would be externally illuminated by concealed 'halo' illumination in soft warm white. The proposed projecting sign would comprise of a timber hanging sign with timber cornicing and be painted olive green 'SALERO LOUNGE' and 'CAFÉ BAR' hand painted in gold, the sign is 0.09 metres in depth and would be externally illuminated by trough lights, the sign would project 1 metre from the front elevation on a paint finished steel gallows bracket. The menu board would comprise of a brass finished frame with laminated glass, with an openable side hinged door to the front and would be internally illuminated by a LED light strip to the upper section.
- 3.1.5 The existing lantern over the front entrance is to be re-instated as a light, it would have 'CAFÉ BAR' hand gilded to three sides with a painted black outline.
- 3.1.6 It is also proposed to refurbish the two main doors and re-paint them an olive colour and reglaze the arched fanlights over both doors with a combination of purple and light olive green segments. The frames of the windows on the ground floor level windows would be painted olive green.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the 1No. externally illuminated fascia, 1No. externally illuminated hanging sign, 1No. illuminated menu board, re-instatement of the lantern light and the repainting of windows and doors including the re-glazing of the arched fanlights, would be of an appropriate scale and positioning and would not cause harm to the significance of the listed building. Therefore, the signage is considered to be in accordance with policies D3 and D6 of the Maldon District Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

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

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55 – 58 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 174 – 193 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
- D3 Conservation and Heritage Assets
- D6 Advertisements
- H4 Effective Use of Land

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

- National Planning Policy Framework (NPPF) (2021)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD)

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

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

5.1.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.1.2 Nos. 43-45 High Street is a grade II listed building within the Maldon Conservation Area. It was originally built as the Literary and Mechanic's Institute with Corn



Exchange to the rear. The building was designed by T. Roger Smith in 1859-60. The Institute occupied the building until 1886 where it held a library of 2,000 volumes. The Corn Exchange later became the All Saints Parish Hall and has had various uses since, including the Post Office and, most recently, Morrisons Local. The front elevation is a striking composition in stock brick. It has three storeys of round-arched windows and incorporates short stone columns with carved Corinthian capitals. The centre breaks forward and is topped by a pediment. The building is listed for its architectural and historic interest as a high-quality architect-designed example of a Victorian Literary and Mechanics Institute. It makes a very positive contribution to the special character of the conservation area.

- 5.1.3 As such, the Conservation and Heritage Specialist was consulted to advise on the potential impact of the adverts on the building and surrounding area. The Specialist has advised that the proposed signage, including modestly scaled halo lit individual metal lettering and a trough lit painted timber hanging sign, and an internally illuminated menu board would be sympathetic to the character of the listed building and the area. A degree of illumination seems justified due to the intended restaurant use. 'Halo illumination' is where the light source is concealed behind lettering that stands proud of the surface and light is shone back onto that surface, creating a glow or 'halo' immediately around the letters. It is a more subtle form of illumination than internally illuminated lettering. The use of halo illumination would seem acceptable in this situation due to the small scale and sympathetic design of the proposed lettering. The lettering would nestle neatly within the architectural mouldings of the building's façade. The reuse and gilding of the existing lantern would be a nice touch, making use of and drawing attention to a traditional feature (incidentally the lantern is a modern replacement of a larger lantern shown on historic photographs). No objection is raised to the proposed colour scheme for the windows and doors, which would reference the greens currently used on nearby buildings. The reglazing of the fanlights over the front doors using coloured glass would be a minor alteration that would cause no harm. The Council's Conservation and Heritage Specialist has raised no objections to the proposed development or recommended any conditions.
- 5.1.4 The proposed advertisements are considered to be appropriate for the area. Due to the location of the adverts, they would not harm the character and appearance of the building, in accordance with policies D1 and D3 of the LDP.

## 6. **ANY RELEVANT SITE HISTORY**

- **MAL/746/79 and LB/MAL/46/79** – Post office, Approved – 8 October 1979
- **MAL/276/80 and LB/MAL/13/80** – Enlargement to car park at rear, Approved – 6 May 1980
- **MAL/526/82** – Alterations to windows, Approved – 26 August 1982
- **93/00331/FULF** - Small first floor extension and minor elevation alterations, Approved – 26 August 1993
- **93/00722/FUL** - Installation of ATM cash dispenser through existing glazed window reduced in height. New security panel surround, Approved – 10 February 1994
- **93/00723/ADV** - Flat internally illuminated machine sign within cash dispenser surround, Approved – 10 February 1994
- **94/00051/LBC** - Installation of ATM cash dispenser through existing glazed window reduced in height. Security panel infill, Grant Listed Building Consent – 10 March 1994

- **07/00426/FUL** - Retail development including rear extension and internal re-organisation/alterations to include new rear first floor and new front doors, Approved – 19 June 2007
- **07/00427/LBC** - Retail development conversion with rear extension and internal alterations including new rear first floor and new front doors, Grant Listed Building Consent – 19 June 2007
- **08/01038/FUL** - Proposed alterations to existing retail area and conversion of ground floor and upper floor to 5 flats, Refused – 13 November 2008
- **08/01061/LBC** - Proposed alterations to existing retail area and conversion of ground and upper floors to 5 flats, Refused – 13 November 2008
- **09/00549/LBC** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Grant Listed Building Consent – Grant Listed Building Consent – 21 August 2009
- **09/00550/FUL** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Approved – 21 August 2009
- **12/00609/FUL** - Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Approved – 3 June 2013
- **12/00610/LBC** - Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Grant Listed Building Consent
- **14/00103/FUL** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Approved – 17 April 2014
- **14/00104/LBC** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Grant Listed Building Consent – 17 April 2014
- **14/00468/FUL** - Minor amendments to approved planning application FUL/MAL/14/00103 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Approved – 3 July 2014
- **14/00469/LBC** - Minor amendments to approved planning application LBC/MAL/14/00104 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Grant Listed Building Consent – 3 July 2014
- **14/00492/ADV** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Approved – 21 August 2014

- **14/00822/LBC** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Grant Listed Building Consent – 23 January 2015
- **23/00943/FUL & 23/00944/LBC (Undetermined)** - Installation of condenser units and full internal alterations/refurbishment. (For consideration on this committee agenda)
- **23/00946/ADV (Undetermined)** - Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting. (For consideration on this committee agenda)

## 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 due to no information received from the Conservation Officer and, as the work has already started, this should therefore be a retrospective application.	Noted – please refer to section 5.1 of report

### 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objection and no recommended conditions	Noted

### 7.3 Representations received from Interested Parties

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

Objection Comment	Officer Response
Increase in noise	This application is solely for the addition of signage to the building and changes to the external materials
Traffic and parking issues	
Unnecessary development	

## 8. **PROPOSED CONDITIONS**

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

REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, LNG4165.BP, LNG4165.02, LNG4165.06D.

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

- 3 The materials used in the construction of the advertisements hereby approved shall be as set out within the plans hereby approved.

REASON To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 NOVEMBER 2023**

<b>Application Number</b>	<b>23/00946/ADV</b>
<b>Location</b>	43-45 High Street, Maldon, CM9 5PF
<b>Proposal</b>	Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting
<b>Applicant</b>	Mr Jon Birtles - Loungers UK Limited
<b>Agent</b>	Ms Ali Maskell - Richard Pedlar Architects
<b>Target Decision Date</b>	27 November 2023
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D3 (Conservation and Heritage Assets)

**1. RECOMMENDATION**

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


**2. SITE MAP**

Please see below.

# 43-45 High Street - Maldon

23/00946/ADV



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	03/11/2023
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of the High Street within the settlement boundary of Maldon and within the Maldon Conservation Area. The site is occupied by a three storey mid terrace Grade II Listed Building, with a mixed use of commercial at ground floor level and residential at first and second floors.
- 3.1.2 Advertisement consent is sought for one externally illuminated fascia sign which would be located above the main entrance door on the front (south) elevation of the property, one externally illuminated hanging sign and one internally illuminated menu board which would both also be located on the front elevation. The fascia sign would measure 3.4 metres in width, 0.20 metres in height and 0.05 metres in depth and would be sited at its lowest point of 4.1 metres above ground level. The projecting sign would measure 0.70 metres in width, 0.80 metres in height and 0.09 metres in depth and would be sited at its lowest point 3.2 metres above ground level. The menu board would measure 0.60 metres in width, 0.70 metres in height, 0.07 metres in depth and would be sited at its lowest point 1.1 metres above ground level.
- 3.1.3 The proposed fascia sign would comprise of individual metal letters spelling out 'SALERO LOUNGE' in a mixture of gold and antique pink lettering, 0.05 metres in depth and would be externally illuminated by concealed 'halo' illumination in soft warm white. The proposed projecting sign would comprise of a timber hanging sign with timber cornicing and be painted olive green 'SALERO LOUNGE' and 'CAFÉ BAR' hand painted in gold, the sign is 0.09 metres in depth and would be externally illuminated by trough lights, the sign would project 1 metre from the front elevation on a paint finished steel gallows bracket. The menu board would comprise of a brass finished frame with laminated glass, with an openable side hinged door to the front and would be internally illuminated by an LED light strip to the upper section.
- 3.1.4 It is also proposed to make use of the existing lantern over the front entrance and re-instate it as a light, it would have 'CAFÉ BAR' hand gilded to three sides with a painted black outline.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the 1No. externally illuminated fascia, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and re-instatement of the lantern light, would not be detrimental in terms of safety and distraction to either highway traffic or pedestrians. Furthermore, it is considered that the advertisements, by reason of their siting, scale, design and size, are considered to be of appropriate scale and positioning and would not cause harm to the significance of the listed building. Therefore, the signage is considered to be in accordance with policies D3 and D6 of the Maldon District Local Development Plan (MDLDP) and guidance contained within the National Planning Policy Framework (NPPF).

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

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

#### **4.1 National Planning Policy Framework 2023 including paragraphs:**

- 2-14 Achieving sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 104-113 Promoting sustainable transport
- 136 Achieving well-designed places

#### **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
- D3 Conservation and Heritage Assets
- D6 Advertisements
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

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

5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and on public safety.

5.1.2 The main policy when assessing this application is policy D6 of the adopted LDP. Policy D6 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 1. The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2. Any proposals will not result in a cluttered streetscene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3. Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4. Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.*

5.1.3 Paragraph 136 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that the control of advertisements should be efficient, effective and simple in operation.



- 5.1.4 Given the above, the principle of displaying an advertisement sign on business premises or public buildings is considered to be acceptable. Amenity and public safety considerations are discussed below.

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

- 5.2.1 In assessing the impact of visual amenity, the Local Planning Authority (LPA) must assess the impact on visual and aural amenity of an advertisement. In assessing amenity, the LPA must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the surrounding area.
- 5.2.2 The proposed adverts are not considered to be excessive in size when compared to the building on which they would be displayed upon. They would be a sympathetic addition to the listed building. The signs would not detrimentally impact on the character and appearance of the wider streetscene and would not be out of keeping with the existing signage in the surrounding area.
- 5.2.3 Nos. 43-45 High Street is a grade II listed building within the Maldon Conservation Area. It was originally built as the Literary and Mechanic's Institute with Corn Exchange to the rear. The building was designed by T. Roger Smith in 1859-60. The Institute occupied the building until 1886 where it held a library of 2000 volumes. The Corn Exchange later became the All Saints Parish Hall and has had various uses since, including the Post Office and, most recently, Morrisons Local. The front elevation is a striking composition in stock brick. It has three storeys of round-arched windows and incorporates short stone columns with carved Corinthian capitals. The centre breaks forward and is topped by a pediment. The building is listed for its architectural and historic interest as a high-quality architect-designed example of a Victorian Literary and Mechanics Institute. It makes a very positive contribution to the special character of the conservation area. As such, the Conservation and Heritage Specialist was consulted to advise on the potential impact of the adverts on the building and surrounding area and has advised that the proposed signage, including modestly scaled halo lit individual metal lettering and a trough lit painted timber hanging sign together with an internally illuminated menu board would be sympathetic to the character of the listed building and the area. A degree of illumination seems justified due to the intended restaurant use. 'Halo illumination' is where the light source is concealed behind lettering that stands proud of the surface and light is shone back onto that surface, creating a glow or 'halo' immediately around the letters. It is a more subtle form of illumination than internally illuminated lettering. The use of halo illumination would seem acceptable in this situation due to the small scale and sympathetic design of the proposed lettering. The lettering would nestle neatly within the architectural mouldings of the building's façade. The reuse and gilding of the existing lantern would be a nice touch, making use of and drawing attention to a traditional feature (incidentally the lantern is a modern replacement of a larger lantern shown on historic photographs). The Conservation and Heritage Specialist has raised no objection to the proposed colour scheme for the windows and doors, which would reference the greens currently used on nearby buildings. The reglazing of the fanlights over the front doors using coloured glass would be a minor alteration that would cause no harm. Overall the Specialist has advised that the proposals should result in no harm to the significance of the heritage assets and has raised no objection or recommended any conditions.
- 5.2.4 The proposed adverts are considered to be appropriate for the area. Due to the location of the adverts, they would not harm the character and appearance of the building, in accordance with policies D1, D3 and D6 of the LDP.

### 5.3 Public and Highway Safety

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 The adverts subject to this application are located on the front elevation facing the street. The signs would be mounted to the building and would be set back approximately 2 metres from the highway with a footpath in between. The fascia would be externally illuminated by concealed 'halo' lighting and the hanging sign would be externally illuminated with trough lights, the menu board would be internally illuminated. ECC Highways were consulted, and have advised that the proposed signage is acceptable subject to the imposition of a condition that requires the proposed light source being positioned and shielded, in perpetuity, to direct light towards the signage and away from the highway. Therefore, the advertisements would be in accordance with this aspect of policies D6 and T2 of the LDP.

## 6 ANY RELEVANT SITE HISTORY

- **MAL/746/79 & LB/MAL/46/79** – Post office, Approved – 8 October 1979
- **MAL/276/80 & LB/MAL/13/80** – Enlargement to car park at rear, Approved – 6 May 1980
- **MAL/526/82** – Alterations to windows, Approved – 26 August 1982
- **93/00331/FULF** - Small first floor extension and minor elevation alterations, Approved – 26 August 1993
- **93/00722/FUL** - Installation of ATM cash dispenser through existing glazed window reduced in height. New security panel surround, Approved – 10 February 1994
- **93/00723/ADV** - Flat internally illuminated machine sign within cash dispenser surround, Approved – 10 February 1994
- **94/00051/LBC** - Installation of ATM cash dispenser through existing glazed window reduced in height. Security panel infill, Grant Listed Building Consent – 10 March 1994
- **07/00426/FUL** - Retail development including rear extension and internal re-organisation/alterations to include new rear first floor and new front doors, Approved – 19 June 2007
- **07/00427/LBC** - Retail development conversion with rear extension and internal alterations including new rear first floor and new front doors, Grant Listed Building Consent – 19 June 2007
- **08/01038/FUL** - Proposed alterations to existing retail area and conversion of ground floor and upper floor to 5 flats, Refused – 13 November 2008
- **08/01061/LBC** - Proposed alterations to existing retail area and conversion of ground and upper floors to 5 flats, Refused – 13 November 2008
- **09/00549/LBC** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Grant Listed Building Consent – Grant Listed Building Consent – 21 August 2009

- **09/00550/FUL** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Approved – 21 August 2009
- **12/00609/FUL** - Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Approved – 3 June 2013
- **12/00610/LBC** - Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Grant Listed Building Consent
- **14/00103/FUL** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Approved – 17 April 2014
- **14/00104/LBC** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Grant Listed Building Consent – 17 April 2014
- **14/00468/FUL** - Minor amendments to approved planning application FUL/MAL/14/00103 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Approved – 3 July 2014
- **14/00469/LBC** - Minor amendments to approved planning application LBC/MAL/14/00104 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Grant Listed Building Consent – 3 July 2014
- **14/00492/ADV** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Approved – 21 August 2014
- **14/00822/LBC** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Grant Listed Building Consent – 23 January 2015
- **23/00943/FUL & 23/00944/LBC (Undetermined)** - Installation of condenser units and full internal alterations/refurbishment. (For consideration on this committee agenda)
- **23/00947/LBC (Undetermined)** - Installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations. (For consideration on this committee agenda)

## 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 due to no information received from the Conservation Officer and concerns regarding the internally illuminated signage on the front of the building in the Conservation Area. Therefore, the proposal is contrary to Policies D1 and D3 of the Maldon Local Development Plan.	Noted – please refer to section 5.2 of report

### 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objection and no recommended conditions	Noted

### 7.3 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to recommended condition and Informative's	Noted – please refer to section 5.2 of report

### 7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Increase in noise	This application is solely for the addition of signage to the building
Traffic and parking issues	
Unnecessary development	

## 8 PROPOSED CONDITIONS

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
  - Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
  - Hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
  - 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

#### **REASON FOR CONDITIONS 1-6:**

These conditions are imposed pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with policy T2 of the Maldon District Local Development Plan.

#### **INFORMATIVES**

- 1 It is noted on the submitted plans that there appears to be planters proposed at the site frontage, however any item placed in the public highway requires a separate licence. Please contact the Local Planning Authority for further information.
- 2 Any sign over any part of the highway, requires a licence under Section 177 or 178 of the Highways Act, 1980 which will incur a charge. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

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