



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
CENTRAL AREA PLANNING COMMITTEE
14 NOVEMBER 2018**

Application Number	FUL/MAL/18/01078
Location	Avanti Photographics 57 High Street Maldon Essex
Proposal	Reconfigure existing retail space with remainder converted to 2No. Maisonettes and 1No. Studio Flat
Applicant	Salisbury Bright Ideas (Maldon) Ltd
Agent	A R Property Designs
Target Decision Date	19.11.2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in – Councillor M R Pearlman on the basis of the Town Council objections and the Conservation Officer's support

1. RECOMMENDATION

REFUSE for the reason as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

57 High Street
FUL/MAL/18/01078



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 15/10/2018

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 57 High Street is a Grade II listed building within the Maldon Conservation Area on the northern side of the High Street around 15m to the west of its junction with Market Hill. The neighbouring properties, 55 and 59 High Street are also Grade II listed buildings.
- 3.1.2 The property is within the Primary Retail Frontage as designated in the Local Development Plan (LDP).
- 3.1.3 The building is currently vacant but was last used for Class A1 (retail) purposes across a total of five floors (including a basement). There is no rear access to the property. The building fills the application site.
- 3.1.4 The proposal is to retain the basement and the majority of the ground floor for Class A1 retail use (total area 64.1sq.m.). An area of the ground floor along with the first, second and third floors of the building would be converted to a total of 3no. one-bedroom residential units.
- 3.1.5 The conversion would involve reconfiguring the internal layout including the removal of sections of walls and new partition walling at ground and first -floor levels, blocking-up existing openings at ground and first-floor levels, the removal of existing staircases and installation of new staircases, the formation of new doorways at ground and first floor levels, along with installation of bathrooms and kitchens. Externally, two roof lights in the rear flat roof would be replaced with a glazed lantern feature, a new roof light would be inserted into the rear flat roof over the stairwell enlargement and three new windows would be inserted into side elevation to serve a stairwell, cloakroom and a living room.
- 3.1.6 The residential units would be accessed via the existing side, shared access. There would be provision for bin and cycle storage within the converted building. A small external terrace (c.3sq.m.) with railing enclosure would be created at first floor level. The sizes of the proposed flats would be as follows: Flat 1 – 46.7sq.m., Flat 2 – 41.1sq.m, Flat 3 – 69.6sq.m.
- 3.1.7 The application is accompanied by a Design and Access Statement and Heritage Asset Statement, bat survey declaration, Supplementary Heritage Asset Statement, and quotes from Lincoln Conservation for the conservation of wallpaper in the stairwell and the first and second floor rooms of 57 High Street.

3.2 Conclusion

- 3.2.1 The principle of undertaking a mixed residential/retail use development at the site could be supported, the scheme would not cause harm to heritage assets and a refusal of planning permission on the basis of a lack of off-street parking could not be sustained. However, whilst no objection to the proposal is raised on the basis of a lack of private amenity space provision, it is recommended that planning permission is refused due to the poor quality of life which would be provided for the occupiers of the proposed ground/first floor flat proposed. It is considered that there are no matters

which would outweigh this harm including the additional residential units proposed and the opportunity the proposal would provide to record, analyse and conserve the historic finishes of the first and second floors of the building.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 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
- 59-66 Delivering a sufficient supply of homes
- 85-90 Ensuring the vitality of town centres
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E2 Retail Provision
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

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 of the development on heritage assets (Conservation Area and listed buildings), any impact on the amenity of the occupiers of neighbouring properties, the quality of life for the occupiers of the proposed flats, parking and archaeology.

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 flood risk area, the historic environment, local infrastructure and services, character and appearance, minimising 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 The application site is in a mixed-use area within the Town of Maldon and, therefore, the principle of a mixed-use retail/residential development is not unacceptable in principle, subject to an assessment of the proposal as set out below. It is noted that the proposal would retain a retail use at ground floor and basement levels which is considered to be important to avoid a negative impact on the vitality and viability of the town centre given the location of the site in the heart of the town retail centre (Policy E2). The Economic Development Team have advised that they support the proposal as it would maintain and increase A1 retail space and be meeting an additional residential accommodation need that will contribute to the economic vitality of the High Street. However, there would be a reduction of Class A1 floorspace as a result of the proposal.
- 5.2.4 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three bedroom plus units. It is considered all of the units being one-bedroomed would contribute positively to the identified housing need and be responsive to local circumstances.

5.3 Design and Impact on the Character of the Area, Conservation Area and Listed Buildings

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

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

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

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

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. 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 (MDLDP) 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.

5.3.7 The Conservation Officer has provided the following, specialist advice:-

Description of the heritage assets' significance:

Many, if not most, of the historic buildings which line Maldon High Street were either built or re-fronted in the Georgian period. These buildings typically present restrained and balanced, classically-themed facades with sash windows and parapets, and they set the dominant tone of the conservation area's architectural character and significance. In striking contrast to this, Nos 57 & 59 are part of a run of buildings erected in the late-19th century in a variety of exuberant and eclectic revivalist styles. These buildings are found on the north side of the High Street between the Moot Hall and the top of Market Hill and they were mostly rebuilt following a devastating fire in 1892. These Victorian buildings are all of high quality designs, materials and detailing. Their varied forms and materials create a lively and interesting townscape and make for a refreshing contrast to the more uniform classical Georgian facades on the opposite side of the road. They – and Nos 57 and 59 in particular – make a very positive contribution to the special character and appearance (or significance) of this part of the conservation area.

There is a terracotta plaque on the façade of Nos 57 and 59 bearing the date it was built – 1892 (the same year as the Great Fire) – and the initials of its owner and builder – Leonard Bentall. The façade is largely unaltered, comprising three storeys framed by ornate terracotta pilasters and cornicing, a pair of painted-timber shopfronts on the ground floor flanking a central passageway, red brickwork to the first and second floors, canted oriel windows on the first floor, and sash windows framed by terracotta surrounds on the second floor. The front brickwork retains its original red stopping mortar and the brickwork in the passage has bastard tuck pointing.

Internally, No. 57 has been modernised at ground-floor and first-floor level, but it is remarkably unaltered at second-floor and third-floor level. Permission was granted by the Borough Council to add a modest two-storey rear extension in 1902, and the plans for that (reproduced below) shed some light on the original layout of the building. Towards the centre of the ground-floor shop as it is today, there was a staircase which ran right up to the second floor. This staircase has been removed but it aligns with an original flight of stairs which connects the second and third floors.

In contrast to the rest of the interior, the second and third floors of No. 57 are a remarkable time-capsule. Here, the main stair passage and two of the adjoining rooms retain an incredible amount of apparently original wall paper and joinery paintwork. The stair passage is the most striking of the spaces, where the wallpaper is of a bold Aesthetic-style design with different patterns above and below a fictive dado rail which follows the angle of the stairs. There is even an original gas light fitting. Although these rooms must have originally been lived in, their unparalleled state of preservation suggests that they were fairly soon abandoned and left to be used for

low-key storage. From at least 1894 the building was owned by the Gower family which ran a “stationers and printers” business from the premises until around 1990.

In the latter part of the 20th century the rear yard was infilled by a two-storey extension with a flat, felt-covered roof. This is a utilitarian and architecturally bland structure of no significance, but it is fortunately largely hidden from view.

Overall, the significance of the listed building derives mainly from its age, ornate late-Victorian design, the special contribution it makes to the architectural character of the streetscene, the very high quality of its materials and detailing, its exceptionally well-preserved façade and second and first-floor interior, and its association with figures of local historical interest.

Identification and assessment of the proposal’s likely impact on the asset’s significance:

The applicant’s commitment to retain and conserve the historic wallpaper and finishes is highly commendable. However, the interior of the second and third floors needs to be recorded and analysed prior to any work starting on it, and a detailed methodology for the conservation work needs to be submitted for approval prior to commencement. It is disappointing that this information was not submitted with the application, as I had recommended at preapp stage. In the absence of this information, it will need to be required by a pre-commencement condition.

I do not object the proposed bin stores on the ground floor. The ‘retail bin store’ will be in the zone occupied historically by the original stairs, so will not disrupt an important internal space. The ‘residential bin store’ will involve the loss of some of the structure of the 1902 extension, but as this has already been quite altered consider it to be of low significance.

None of the other proposed alterations would result in the loss of any historic important historic fabric or detract from the building’s special character.

- 5.3.8 Based on the above advice, it is considered that the proposed development would cause no harm to the significance of the listed building or the character and appearance of the Maldon Conservation Area, subject to conditions requiring the recording, analysing and conservation of the historic finishes on the second and third floors, and details of the design and materials to be used for the new external windows and doors, as recommended by the Conservation Officer. The proposed conversion has been designed in such a way as to minimize external alterations to the building and internal works to the original part of the building, as well as to provide an opportunity to record, analyse and conserve the historic finishes on the second and third floors of the building.

5.4 Impact on Residential Amenity

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

- 5.4.2 There are no residentially occupied buildings neighbouring the site in which case the proposal would not adversely affect the amenity of the occupiers of existing residential properties by reason of loss of outlook, visual impact, overlooking, loss of daylight and loss of sunlight.

5.5 Quality of Life for the Occupiers of the Proposed Flats

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 There would be no external amenity space for the occupiers of the proposed flats except for a small (c3sq.m.) external terrace at first floor level. However, given the number and small size of flats proposed, the town centre location of the site and the availability of public open space within Maldon, it is not considered that an objection to the proposal based on the lack of external amenity space could be sustained in this case. Provision for bin storage would be made.
- 5.5.3 However, the proposed ground floor maisonette (Flat 1), at 46.7sq.m, would be over 11sq.m. below the minimum floorspace recommended in the National Space Standards for a one-bedroom, two storey unit and the first floor flat (Flat 2), at 41.1sq.m., would be almost 9sq.m. below the floorspace recommended. Whilst this local planning authority has not adopted these Standards or other policies or design guidance, this does indicate that the quality of life for the occupiers of, particularly Flat 1, would be poor. Whilst the ground floor living area of Flat 1 would be provided with a high level obscure glazed window, a roof lantern (2.75m x 2.25m) over a double height void and there would be a glazed area onto the proposed terrace (which would also have one side painted white or provided with mirrors to reflect light into the flat), this living area would have no means of outlook. Furthermore, the submitted drawings suggest that the only means of natural light to and outlook from the first-floor bedroom proposed in flat 1 would be a glazed door onto a small, narrow terrace which would be enclosed on three sides.
- 5.5.4 Based on the above, it is considered that the proposal would not provide an adequate quality of life for the occupiers of one of the proposed flats, contrary to Policy D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include 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.

The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government

guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.6.2 The parking standard for one-bedroom dwellings (a maximum of 1 space) would not be met as no off-street parking is proposed. However, the site is within a sustainable town centre location and it is therefore considered that there can be some flexibility with respect to the amount of provision that is required to be provided, especially as the policies of the local plan seek to encourage the use of sustainable modes of transport and the limited number and size of flats proposed. However, provision for cycle parking would be required to comply with the adopted Standard, as follows: 1 per dwelling (one bed); and, 1 per 8 units (visitors). An area for cycle parking is proposed at ground floor level.
- 5.6.3 Based on the above, no objection is raised to the proposal in terms of access, parking or highway safety.

5.7 Other Material Considerations

- 5.7.1 Essex County Council Archaeology have advised that the upper domestic floors are remarkably unchanged and contain notable survivals of a late Victorian decorative scheme, including wall papers. Such survival is both extremely rare and very fragile. It is, therefore, recommended that a full condition requiring building recording is imposed. Based on this advice, it is considered that the matter of archaeology can be addressed through the imposition of a building recording condition (Policy D3).
- 5.7.2 The bat survey declaration submitted suggests that the proposal would not raise adverse issues with respect to bats.

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/18/01079** Works associated with reconfiguration of existing retail space and conversion of remainder to 2No. Maisonettes and 1No. Studio Flat. Undetermined to date

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Objects – loss of retail floorspace in the High Street and loss of storage space, lack of external fire exits for residents, proposed bin store a fire hazard, lack of access and concern that alleyway access not compliant with the Crime and Disorder Act 1997	Noted – refer to section 5.2 of report in relation to retail and storage floorspace. The alleyway exists and security measures could be introduced, if necessary. The other matters raised are not material planning considerations in this case.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Archaeology	No objection subject to a condition requiring the implementation of a historic building recording programme	Noted – refer to section 5.7 of report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection subject to conditions	Noted – refer to section 5.3 of report
Economic Development	Support: it would maintain and increase A1 retail space and meeting an additional residential accommodation need that will contribute to the economic vitality of the High Street.	Noted – refer to section 5.2 of report.
Environmental Health	Raises concerns that the living room of flat 3 is directly above the sleeping area of flat 2 which could be the cause of complaint of nuisance relating to ‘normal’ domestic noise	Noted but this local planning authority does not have an adopted policy which would support an objection to the proposal on this basis and this matter would be addressed, in any event, through Building Regulations.

7.4 Representations received from Interested Parties

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

Supporting Comment	Officer Response
Now unrealistic to expect this building to be significantly used for retail purposes	Noted – refer to section 5.2 of report
Imaginative creation of three much needed small new dwellings which make maximum use of available light, historical details retained and whole building brought back into use thereby ensuring its upkeep for the future	Noted – refer to sections 5.2, 5.3 and 5.5 of report

Supporting Comment	Officer Response
Support given expecting that potential concerns about fire evacuation would be dealt with a building regulation stage	Noted

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed ground/first floor maisonette would not provide an adequate quality of life for its occupiers due to a combination of its size, lack of outlook from the living and bedrooms and lack of natural light to the bedroom proposed, contrary to Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.