



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

to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
7 JANUARY 2019**

<b>Application Number</b>	<b>FUL/MAL/18/01255</b>
<b>Location</b>	The Ferry Boat Inn, Ferry Road, North Fambridge
<b>Proposal</b>	Demolition of existing conservatory and erection of new south bar/restaurant wing, kitchen extension to rear (east), demolition of existing north-west single-storey extension and internal alterations to existing inn, reorganisation of existing car park to west and modifications to car park access, creation of new patio and other paved areas
<b>Applicant</b>	Mr. Dylan Kalis - Yacht Havens Group
<b>Agent</b>	Mr. Chris Hewitt - 2C Design Consultants
<b>Target Decision Date</b>	11.12.2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	<b>TOLLESHUNT D'ARCY</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Miss S White (public interest)

<b>Application Number</b>	<b>FUL/MAL/18/01256</b>
<b>Location</b>	The Ferry Boat Inn, Ferry Road, North Fambridge
<b>Proposal</b>	Demolition of existing conservatory and erection of new south bar/restaurant wing, kitchen extension to rear (east), demolition of existing north-west single-storey extension and internal alterations to existing inn, reorganisation of existing car park to west and modifications to car park access, creation of new patio and other paved areas
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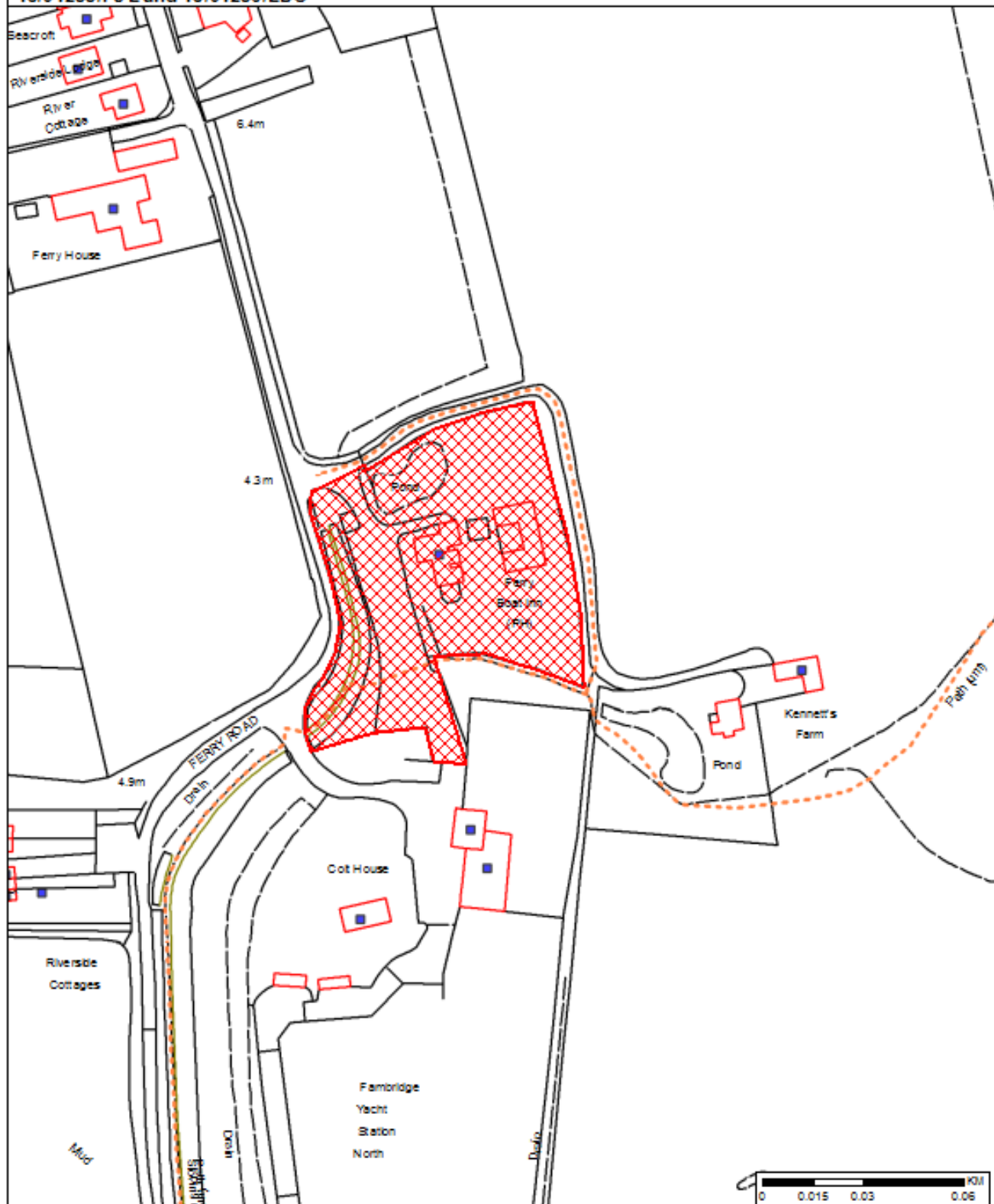
**1. RECOMMENDATION**


**REFUSE** planning permission and **REFUSE** listed building consent for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**The Ferry Boat Inn, Ferry Road, North Fambridge**  
18/01255/FUL and 18/01256/LBC



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	
	Date:	11/12/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### 3. SUMMARY

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

3.1.1 The application site is located to the east of Ferry Road, to the south of the settlement of North Fambridge. The site measures 0.6 hectares in area, 77 metres deep (measured at the north boundary) and a maximum of 93 metres wide.

3.1.2 The site contains a Grade II listed building that is statutorily described as follows:

*“House, now public house. C18, altered in C19. Timber framed, weatherboarded, roofed with handmade red clay tiles and slates. 3 bays facing W, with an external stack at each end. 2 storeys. One-bay extension to left, with gambrel roof, of one storey with attic. Mid-C19 wing extending forwards from the junction, with external stack at left side, of 2 storeys. C20 flat-roofed single-storey extensions in left front angle and behind main range. Ground floor, one C20 casement, one splayed bay of C20 casements, 2 late C19 tripartite sashes. First floor, 2 late C19 tripartite sashes and one sash. Half-glazed door at front of lean-to porch. The roof of the front wing only is slated. Stone slab floor in bar to left of entrance. Shown as Ferry Farm, with 50 acres, in the tithe award of 1840 (Essex Record Office D/CT 133), and as the Ferry Boat Public House in the Ordnance Survey map of 1873, by which date it had largely achieved its present form.”*

3.1.3 The main part of the existing building measures 10.5 metres wide, 4.5 metres deep and 6.5 metres tall with a slightly reduced height, 5.2 metre projection to the north side that measures the same depth and 5.5 metres tall to the ridge. To the front is a two storey projection that measures 4 metres by 4.2 metres with a maximum height of 5.9 metres, to the north side of which is a single storey flat roofed projection that measures 4 metres deep and 3 metres wide. To the front of the building and the south of the 2 storey front projection is a single storey lobby and canopy projection that measures 1.2 metres deep and 4 metres wide with a lean-to roof built to a height of 2.4 metres. To the rear are three projections of varying heights, widths and depths. To the side is a conservatory projection that measures 5.7 metres deep and 6.3 metres wide with a maximum height of 3.6 metres.

3.1.4 To the rear of the site is a ‘horse-shoe’ shaped, single storey building that measures 19.3 metres wide and a maximum of 12 metres deep. This building was approved under the terms of application FULA/MAL/99/00096 to be used as guest accommodation.

3.1.5 To the frontage of the site, forward of the building, is an informal parking area and vehicle access that measures approximately 1,000 square metres in area. This is separated from the highway by a grassed bank that increases in height to the south. To the north of the building is a pond and soft landscaped area. To the south of the building is an outdoor seating area.

3.1.6 Planning permission and listed building consent are sought for the demolition of parts of the existing building and the erection of replacement extensions.

- 3.1.7 The elements of the existing building that are to be removed include the following:
- The flat roofed single storey front projection to the north side of the two storey projection.
  - The existing conservatory to the south side of the building.

- 3.1.8 The proposed extensions would consist of the following:
- A barn-style side extension on the southern elevation to replace the existing conservatory to accommodate a new bar and additional seating area. This extension would have a pitched roof with half-hipped roof elements on the east and west elevations. The extension would have a width of 6.2 metres, a depth of 14 metres, an eaves height of 2.8 metres and a ridge height of 6.2 metres. A disabled access would be located on the western elevation with an open-side veranda with a width of 4.6 metres, a depth of 0.7 metres, an eaves height of 2.1 metres and a peak height of 2.8 metres. This extension, including the veranda, would be set back 1.5 metres from the front elevation of the main building. A full length window would be located on the eastern elevation and a flue to serve an internal log burner would be located at the eastern end. This extension would be given a weatherboarding cladding with a dark, natural timber finish.
  - A lean-to structure would be located on the southern elevation joining the main roof in a catslide fashion. This would have a width of 9.7 metres, a depth of 1.5 metres, an eaves height of 2.1 metres and a peak height of 2.8 metres. 2.8 metres of this would be an open veranda and the remaining section would be an enclosed extension, with a side entrance door and full length glazing.
  - The provision of a new external staircase at the rear of the building to provide access to the first floor through a new door with a 0.5 metre pitched roof at a height of 4.6 metres above ground level.
  - To the rear (east) of the existing toilet and to the north of the proposed barn-style extension would be a new single storey wing to accommodate the kitchen and rear entrance lobby. The existing toilet would become a pot wash and food preparation area. This extension would have a width of 5.4 metres, a depth of 7.6 metres, an eaves height of 2.3 metres and a maximum height of 3.4 metres. This extension would have a flat roof concealed by the use of a dummy mansard roof to the north and east elevations. This would have a rear entrance on the eastern elevation and a secondary door and a window on the northern elevation.

The proposed extensions would create additional floor space measuring 172m<sup>2</sup>.

- 3.1.9 Other external works include (but are not limited to) the following:
- Infilling the opening on the west wall where the single storey front projection is to be removed.
  - Infilling of a window on the south elevation of the existing kitchen.
  - Infilling of the existing external door on the northern elevation of the existing kitchen and the external face rendered to match the adjacent wall.
  - Reduction in the size of the window on the north elevation of the existing kitchen.

- The current white painted weatherboard cladding on the external walls would be stripped, repaired or treated and re-painted to match the existing.

3.1.10 The main internal works would include (but not be limited to) the following:

- The removal of the existing bar and its relocation into the barn-style extension.
- The removal of the existing kitchen and the relocation of the toilets to that area.
- The removal of the existing toilets to accommodate a pot washing and food preparation area.
- The removal of the modern elements of the fireplace in the ground floor south room and restoration to its likely earlier form.
- The doors leading to the existing toilets and double doors leading into the conservatory will be removed.

3.1.11 The existing car park to the front of the pub would be enlarged to provide an additional 15 spaces. The car park would have 40 spaces including three disabled bays. The car park would have a loose gravel surface with the edges demarked by sunken strips of timber. The existing access point would also be enlarged and would have a black tarmac surface. There would be a new paved patio area to the south and east of the new barn-style extension and there would be block paving between the new kitchen and the existing letting block. The plans submitted do not indicate that any trees would be lost as part of the development.

3.1.12 The previously refused application (reference FUL/MAL/18/00238 and LBC/MAL/18/00239) comprised extensions of a different design and comprising a total of five extensions. It also included the infilling of the pond to the north of the main building and an larger proposed parking area which provided a total of 55 car parking spaces and was laid in tarmac.

## **3.2 Conclusion**

3.2.1 Having taken all material planning considerations into account, it is found that the development would not adversely impact upon residential amenity or highway safety and parking provision. It is also noted that the proposals intend to assist the performance of the community facility.

3.2.2 However, due to the design and scale of the proposed works, it is considered that the proposals would cause harm to the character and appearance of the existing listed building, the streetscene and the surrounding area in general. It is therefore considered that planning permission and listed building consent should be refused.

## **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
- 83 Supporting a prosperous and rural economy
- 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
- S8 Settlement Boundaries and the Countryside
- E3 Community Services and Facilities
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

- 5.1.1 The proposed development relates to the expansion of an existing Public House outside the development boundary for North Fambridge. Policy S8 seeks to direct new development to within identified settlements to protect the District's countryside and its intrinsic character and beauty. Policy S8 includes a list of suitable uses within the countryside including employment generating proposals and community services

and facilities, both of which are considered to be applicable to this case. Therefore, as the proposal relates to the extension of an existing building rather than the erection of a new building or a creation of a new unacceptable use, there is no objection in principle to the proposed development. Furthermore, policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District. The proposal is supported in principle through local plan policies as well as the NPPF.

- 5.1.2 It is noted that the proposal is for the extension of the existing public house and that the application form and accompanying submission do not indicate that the intention would be to change the use of the premises, which is currently considered to be A4 use. However, it is noted that the proposal indicates the addition of a 'new south bar/restaurant wing' and that the layout would be more akin to a restaurant than a public house in some respects. The application should be assessed on the basis of that which is before the Local Planning Authority and as such it is not appropriate to consider that the proposal represents a change of use. However, if approved, a condition should be used to clarify this matter.
- 5.1.3 It is noted that there are concerns from local residents regarding the shift towards a restaurant layout and a larger emphasis on providing food. However the applicant has stated in the submission that The Ferry Boat Inn, in recent years, has struggled as a business due to the lack of seating and its cramped environment. It is considered that a larger food offer is reflective of current industry trends and would help retain this community asset.
- 5.1.4 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 5.1.5 The overall principle of the proposed development is therefore supported as it would allow the expansion of an existing rural business, which accords with paragraph 83 of the NPPF which states that decisions should enable:
  - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
  - b) the development and diversification of agricultural and other land-based rural businesses;
  - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
  - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised

principles of good design seek to create a high quality built environment for all types of development.

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

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

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

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

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

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

- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the Local Development Plan (LDP), the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.6 In accordance with 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. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.



- 5.2.7 The proposed extensions would largely be located to the southern side and rear of the existing building. The side extension would be highly visible from Ferry Road to the west of the site. Views from other directions would be limited due to substantial landscaping around the site. Therefore it is considered that the proposed development would have a significant impact on the streetscene, the character of the area and the visual impact on the countryside.
- 5.2.8 The Council's Conservation Officer was consulted on the proposal and has advised, in line with the comments mentioned in section 7.3 of this report, that the proposed development would cause 'less than substantial harm' to the significance of the heritage asset using the terminology of the NPPF and policy D3 of the Maldon LDP. The degree of harm in this instance would be moderate, arising as a result of the scale and bulk of the proposed extensions. On the basis of the moderate harm which would be caused to the significance of the listed building, the Conservation Officer has objected to the application.
- 5.2.9 The barn-style extension on the southern side of the main building would replace the existing conservatory extension. The removal of the conservatory, which adds little to the setting of the listed building, would be a welcome amendment to the site. However, the scale and bulk of the proposed side extension is significantly larger than the existing conservatory. This extension has been designed to replicate a traditional rural barn like building with dark timber cladding and a catslide roof on the southern elevation. This extension would be 0.35 metres lower than the main part of the building and would have a half hipped roof on the east and west elevations, intended to reduce the bulk of the building. There were concerns in the previous application (FUL/MAL/18/00238 and LBC/MAL/18/03124) regarding the proposed development unduly attracting attention away from the listed building. Although the side extension has been set back 1.5 metres from the front elevation and finished in different materials to differentiate it from the listed building, it is still considered to be a prominent addition which would be considered to dominate the existing building and attract attention from the listed building. The Conservation Officer has stated the current proposal appears less sprawling and incoherent than the previous iteration. However due to its size, the proposed extension could not be considered a minor or subservient addition to the original building.
- 5.2.10 The kitchen extension to the east would have a flat roof concealed by a dummy-pitched roof and would be finished in materials to match the existing building. This part of the building would be located to the rear and would not be visible from the streetscene, which would reduce its impact on the character of the area. The Council's Conservation Officer has expressed concerns regarding the squat appearance of this part of the extension. Although there would be limited views of this part of the building, the impact upon the existing building should be taken into account and the proposed kitchen extension would create a relatively large feature attached to the oldest external part of the building. Due to the squat appearance and the large footprint of the proposed extension, of approximately 45m<sup>2</sup>, it is considered that this part of the proposal would also impact the setting of the listed building.
- 5.2.11 As per the previous application (FUL/MAL/18/00238 and LBC/MAL/18/03124), due to the size of the extensions, it is considered to increase the buildings visual impact on the countryside. Although it is considered that the barn-like extension would be a more rural style of development and would be better suited to this countryside

location, on balance, it is still considered that the cumulative impact of the proposed development would represent a sprawl of additions to the existing building which would have a negative impact on the site and the surrounding countryside.

- 5.2.12 The proposal includes several internal alterations to the existing listed building to allow the implementation of the proposed development. Changes such as the restoration of the southern ground floor fireplace are considered to represent a minor positive enhancement to the listed building. However the relocation of the bar from the main section of the listed building to the extension, although not specifically mentioned by the Conservation Officer, is considered to have a significant impact on the interior of this part of the building.
- 5.2.13 The car park to the west of the building would be increased by 15 car parking spaces and the access point would be enlarged. This would result in additional hardstanding on the site, along with additional paving around the proposed extension. However, the proposed car park is to be finished with a loose gravel surface which is considered to be suitable for the rural environment and the proposed hardstanding would be much less than previously proposed which is considered to be an improvement to the previous scheme. The previous proposal to remove the pond, which is considered to contribute to the rural appearance of the site, has been omitted and therefore this change is welcomed.
- 5.2.14 It should be noted that whilst the Conservation Officer objected to the application the harm caused must be weighed against the public benefits anticipated to arise from the proposal, including some minor enhancements (such as the restoration of the southern fireplace) and securing an optimum viable use for the building, having first been given special regard following the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990. Notwithstanding these positive aspects, overall it is considered that the comments of the Conservation Officer are well founded. Although the proposal would provide some benefits to the existing listed building, it is considered that on balance the moderate harm identified by the Conservation Officer is not acceptable in this instance.
- 5.2.15 The positive elements of development at this site, mostly relating to the enhancement of the performance of the public house and the associated benefits relating to employment and economic activity are noted. However, it is considered that these public benefits do not outweigh the harm that has been identified within the specialist advice that has been received and the proposed development would be contrary to policies S8, D1, D3 and H4 of the LPD.

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

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site sits in relative isolation. The proposed development is not considered to have an overbearing impact or result in a loss of privacy on any neighbouring properties.

- 5.3.3 No objection has been received from the Council's Environmental Health team. However, they have recommended a condition regarding details of the illumination of the site and a scheme for the ventilation of the building and the treatment of all smells and fumes to protect the amenity of neighbouring occupiers. They have not commented on any potential increase in noise and therefore it is not considered that there are grounds to determine that the expanded building would result in noise that would detract from the amenities of neighbouring residents.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 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 recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed development would increase the number of car parking spaces by 15 spaces, creating a total of 40 spaces including 3 disabled spaces. These spaces would be located on the eastern and southern side of the existing car park. The SPD states that sites with an A4 (drinking establishments) outside of a town centre location should have a minimum 1 parking space per 5m<sup>2</sup>. As the proposed floor space of the building would be approximately 480m<sup>2</sup>, 40 spaces would be below the requirement. However, on balance, it is considered that the number of spaces proposed would be reasonable as further car parking provision would result in further visual impact on the countryside as demonstrated by the previous application. Therefore, on balance, there are no objections with regard to car parking.
- 5.4.4 The proposal includes the enlargement of the existing access point onto Ferry Road to improve the access to and from the site. The Highways Authority was consulted on the application and has confirmed that they have no objections subject to the inclusion of five conditions. The plans submitted also show the existing public footpaths 10, 15 and 14 which would not be impacted by the proposed development.

## **5.5 Flood Risk**

- 5.5.1 The site where the development is proposed lies within Flood Zone 3. Policy D5 of the approved LDP states that development should be appropriately located relative to flood risk and not increase flood risk on site or elsewhere.
- 5.5.2 The proposed development is considered to constitute minor development as the works relate to an extension to an existing commercial building with a floor space of less than 250 square metres. As such, formal consultation with the Environment Agency is not required and the standing advice of the Environment Agency can be utilised.
- 5.5.3 The site is within flood zone 3 and is therefore at significant risk of flooding. In this regard it is considered that the proposed development must be undertaken in a manner that would include suitable flood resilience and be built to an appropriate ground level and that this would be adequate mitigation to address the requirements of the Standing Advice.
- 5.5.4 The previous plans to infill the pond have been removed and therefore it is considered that the retention of the pond would have a positive impact on the surface water drainage at the site. On consultation with the Council's Environmental Health team, a condition was recommended to request a scheme of surface water drainage before the implementation of the development. Due to the location of the site, it is considered that this condition is reasonable and therefore it would be included.
- 5.5.5 In terms of the sequential test, whilst it is noted that there is land within the district that is less liable to flooding, it is noted that the proposal relates to the extension of an existing building and an existing use at the application site and there is therefore no other location to viably or reasonably undertake the proposed development. As such, the sequential test is passed.
- 5.5.6 The applicant has submitted a flood risk assessment to accompany the application. This states that improved floor resistance measures can be introduced to the new development such as raised floor slabs, socks, electrical switches and services and the use of water resistant floor and wall materials. It also states that sustainable drainage measures will be required due to the significant increase in the buildings footprint. This would be encompassed by the surface water condition stated above.

## **5.6 Ecology**

- 5.6.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.6.2 Policy N2 of the LDP which states that "All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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."

- 5.6.3 The application site contains a listed building, a pond and various trees and areas of soft landscaping. The site is also within reasonably close proximity of areas that are designated for their ecological interests and protected by those designations. As such there are various triggers to require suitable consideration and mitigation of protected species at the site.
- 5.6.4 Natural England Standing Advice sets out that in such circumstances an assessment should be undertaken to establish the likely presence of protected species. This should include sufficient survey work to inform a scheme of protection and mitigation. The standing advice states that *“When the proposal is likely to affect a protected species you can grant planning permission if....an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice [and] mitigation plans are acceptable.”*
- 5.6.5 Previous ecological concerns in the application (FUL/MAL/18/00238 and LBC/MAL/18/03124) were relating to the loss of the pond on the site. This pond is now to be retained and therefore any protected species in this habitat will not be impacted. Therefore, it is considered that the second previous reason for refusal has been overcome.
- 5.6.6 An ecological appraisal was undertaken by the applicant in December 2017, which was also submitted as part of the previous application. This is now accompanied by a dusk emergence and pre-dawn re-entry survey for bats which was undertaken in August 2018. This indicated that no bat roosting activity was associated with the building and only low levels of foraging behaviour was recorded. It suggests that no further surveys are required but the potential for future roosting cannot be ruled out and therefore some precautionary recommendations have been made. Therefore, a condition would be included to ensure that the recommendations in this report and the previous ecological appraisal are undertaken.

## 6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant planning history is set out in the table below:

Application Number	Description	Decision
FULF/MAL/90/00659 and LBC/MAL/90/00660	Conservatory with glazed roof and part elevations all as portable made up unit on brick	Approved
FULF/MAL/93/00103 and LBC/MAL/93/00104	Demolition of existing porch and erection of single storey side extension	Approved
FUL/MAL/93/00649 and LBC/MAL/93/00650	Second storey rear extension	Approved
FUL/MAL/99/00096	Proposed erection of six single storey accommodation units to rear of Ferryboat Inn	Approved
FULA/MAL/99/00096	Proposed erection of six single storey accommodation units to rear of Ferryboat Inn. Amended plans – re-siting of units 3m	Approved

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
	towards eastern boundary	
FUL/MAL/18/00238 and LBC/MAL/18/00239	Side and rear extensions with internal and external alterations, alterations to parking and access with new parking area	Refused

6.2 The reasons for refusal of the previous application (FUL/MAL/18/00238 and LBC/MAL/18/00239) were:

- 1 *The proposed development, by virtue of the scale, position, form, mass and appearance of the proposed extensions, would represent incongruous and sprawling additions to the existing listed building that would be harmful to the character, appearance and setting of the listed building and the character and appearance of the site, the streetscene and the rural area in general. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.*
- 2 *It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed developments would not cause harm to protected species and their habitats at and near the site. The proposal is therefore unacceptable and contrary to policies N2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework and the Natural England Standing Advice.*

## 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>
North Fambridge Parish Council	Whilst we are not objecting to this application, we do consider that some of the design choices are poor. In particular, the siting of the disabled toilet and baby change near the main bar whilst the other toilets are sited at the other end of the building may lead to incorrect use of the disabled toilet.	Comments noted. The internal location of the toilets are not considered to be a planning matter and would fall under separate legislation

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highways Authority	The Highways authority does not object to the proposals as	Comments noted

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	submitted subject to the inclusion of five conditions.	

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	<ul style="list-style-type: none"> <li>- The scale and form is similar to the refused proposal, however the footprint has been reduced</li> <li>- The main extension now resembles a traditional barn</li> <li>- The omission of the conservatory and the southern return wing is an improvement</li> <li>- The current proposal appears less sprawling and incoherent than the previous iteration</li> <li>- The scale and position would still, to some degree, erode the compact and relatively modest proportions of the existing historic building</li> <li>- The use of the dummy pitched roof on the kitchen range will create an awkwardly squat appearance</li> <li>- The restoration of the southern ground floor fireplace would represent a minor positive enhancement</li> <li>- The proposal will cause 'less than substantial harm' to the significance of the heritage asset</li> <li>- Object to the application due to the moderate harm caused to the significance of the listed building</li> <li>- However, it will be down to the determining officer or committee to make a balanced judgement weighing the harm identified against any public benefits the scheme poses.</li> </ul>	Comments noted and discussed in section 5.2 of this report.
Environmental Health	No objections to the proposal	Comments noted and

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
	subject to the inclusion of five conditions.	conditions included

#### **7.4 Representations received from Interested Parties**

- 7.4.1 10 letters were received objecting to the application FUL/MAL/18/01255 and 13 letters were received objecting to the application LBC/MAL/18/01256. 8 of these letters objected to both application, with two only objecting to the application FUL/MAL/18/01255 and five only objecting to the application LBC/MAL/18/01256. The reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>- Some modernisation is required however the proposed internal alterations will not benefit the pub and the local community it serves</li> </ul>	Comments noted
<ul style="list-style-type: none"> <li>- The car park is in need of re-surfacing</li> </ul>	This is included within the proposal
<ul style="list-style-type: none"> <li>- The pond should remain as it is in keeping with traditional features</li> </ul>	The current proposal does not include the removal of the pond
<ul style="list-style-type: none"> <li>- Traditional pub surroundings would be lost if this application proceeds</li> </ul>	The design is discussed in section 5.2
<ul style="list-style-type: none"> <li>- Current events may not occur if the pub becomes primarily a restaurant</li> </ul>	This is not considered to be a planning matter
<ul style="list-style-type: none"> <li>- The character of the existing pub and bar area would be lost</li> </ul>	The design is discussed in section 5.2
<ul style="list-style-type: none"> <li>- We do not want or need a restaurant with a bar in the village, we want a pub that sells food as it is now</li> </ul>	The principle of development is discussed in section 5.1
<ul style="list-style-type: none"> <li>- This is a listed building and should not be subjected to gratuitous modernisation</li> </ul>	The impact on the listed building is discussed in section 5.2
<ul style="list-style-type: none"> <li>- Essex has lost many pubs of character over recent years and conversions to chain-like restaurants guarantees their history and appeal is removed entirely</li> </ul>	The impact on the listed building is discussed in section 5.2



Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>- A complete renovation is not required</li> <li>- This work is clearly planned to remove the facility of the village pub from the benefit of local residents</li> <li>- The applicant have not taken the residents into considerations at any stage and have, for the last five years, leased this establishment purely for financial gain</li> <li>- Not sustainable in this area and over ambitious for this remote location</li> </ul>	<p>This is not considered to be a planning matter</p> <p>The proposal does not include a change of use and the site would still be primarily used as a public house (A4 use)</p> <p>The conduct of the applicant is not taken into consideration as part of a planning application</p> <p>The merits of the business are not considered to be a planning matter</p>

## 8. **REASONS FOR REFUSAL**

### FUL/MAL/18/01255

- 1 The proposed development, by virtue of the scale, position, form, mass and appearance of the proposed extensions, would represent incongruous and sprawling additions to the existing listed building that would be harmful to the character, appearance and setting of the listed building and the character and appearance of the site, the streetscene and the rural area in general. This harm is not outweighed by the suggested benefits of the proposal. The proposal is therefore unacceptable and contrary to policies S1, S8, D1 and D3 of the Maldon District LDP and the guidance contained within the NPPF and the MDDG.

### LBC/MAL/18/01256

- 1 The proposed development, by virtue of the scale, position, form, mass and appearance of the proposed extensions, would represent incongruous and sprawling additions to the existing listed building that would be harmful to the character, appearance and setting of the listed building. The proposal would therefore cause harm to the significance of the heritage asset that would not be outweighed by other public benefits of the proposal. The proposal is therefore unacceptable and contrary to policy D3 of the Maldon District LDP and the guidance contained within the NPPF.