



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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	FUL/MAL/18/01516
Location	Land rear of 63 High Street Maldon Essex
Proposal	Proposed new open cart lodge extension
Applicant	Mr & Mrs Salisbury
Agent	Ashley Robinson
Target Decision Date	27 February 2019
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call in by Councillor Pearlman as he feels this application is in keeping with the surroundings.

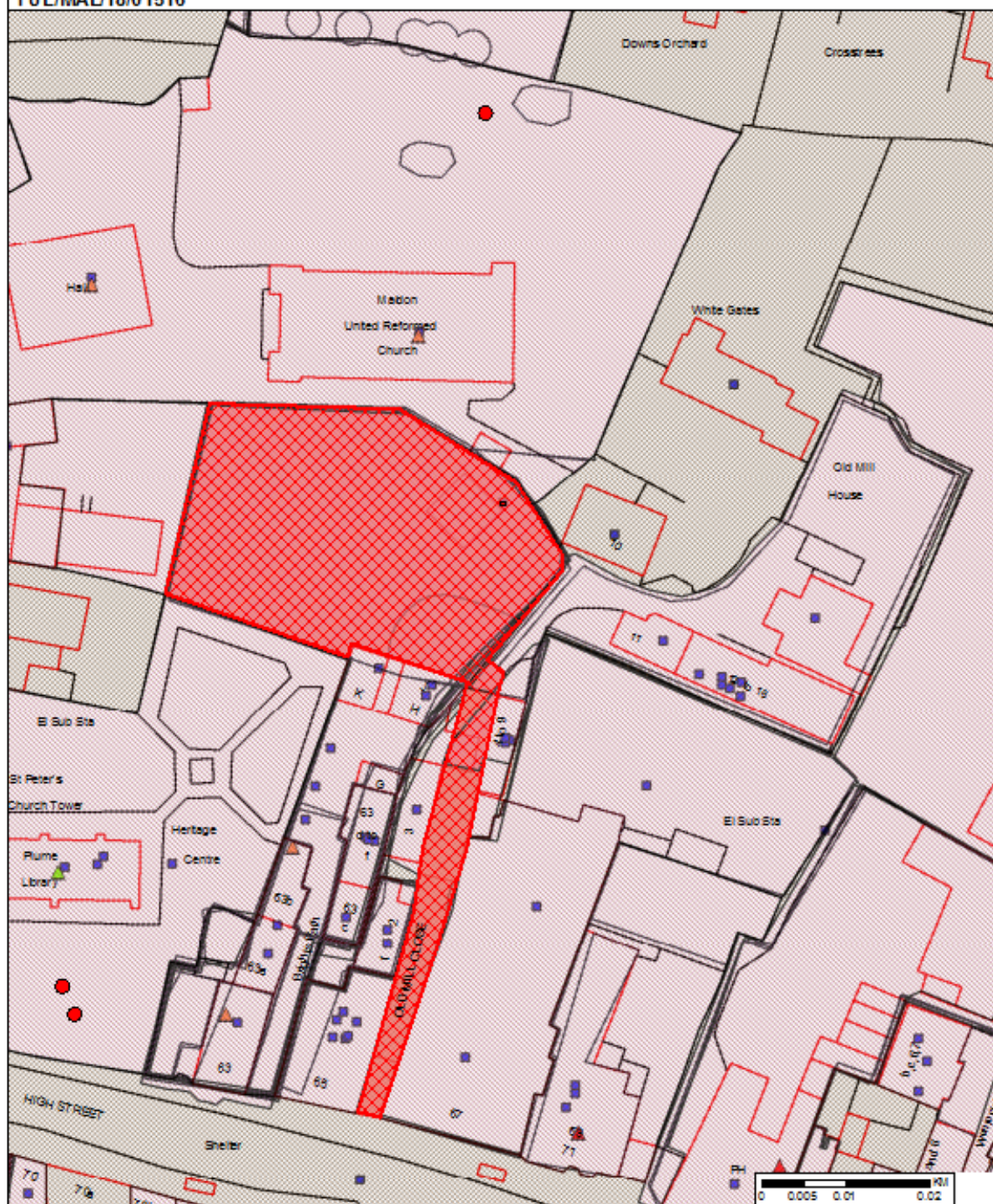
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land rear of 63 High Street, Maldon
FUL/MAL/18/01516



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	04/02/2019
	MSA Number:	100018588

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within a mixed use area within the Maldon Conservation Area and the Maldon and Heybridge Central Area identified in the Maldon District Approved Local Development Plan (MDALDP). The site is associated with but detached from the existing residential property, 63 High Street which is a Grade II listed building located at the southern end of the neighbouring Bright's Path.
- 3.1.2 The proposal is a new open cart lodge extension to the existing outbuilding granted planning permission under reference FUL/MAL/15/00379. Condition 6 of this planning permission limits the use of the outbuilding (see below). The extension would be 6.1m in width, 5.5m in depth and 4.5m in height to the ridge. The extension would be open on two sides; a rear wall is proposed, and one side would be attached to the existing outbuilding. The external surfaces would be finished using natural slate and timber weather boarding with cast iron rainwater goods. Vehicular access to the site is from the High Street via the existing vehicular access from Old Mill Close located to the south-east of the existing building. It is understood that the cart lodge would only be used for parking domestic vehicles in conjunction with the residential occupation of 63 High Street, Maldon.
- 3.1.3 The application has been accompanied by a Design and Access Statement. The conclusion of the submitted Biodiversity checklist and bat declaration is that the proposal would not generate any adverse issues with respect to biodiversity.

3.2 Conclusion

- 3.2.1 The proposed extension would be acceptable in principle and would not cause harm to the character or appearance of the Conservation Area or the setting of any listed buildings. The proposal would also not cause harm to the amenity of the occupiers of neighbouring residential properties or raise adverse issues with respect to access/parking/highway safety. The application is, therefore, recommended for approval, subject to conditions.

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
- 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
- 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 District Design Guide (MDDG)
- Maldon and Heybridge Central Area Masterplan

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 (including the Conservation Area and the setting of the listed buildings), any impact on the amenity of the occupiers of neighbouring residential properties and access/highway safety.

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 extending an existing residential outbuilding is not unacceptable in principle, subject to an assessment of the proposal as set out below.

- 5.2.4 It is noted that the application site is detached from the host dwelling, which is also outside the application site. Condition 6 of the 2015 permission addressed this and ensured a tie exists between the building and the dwelling. It is considered appropriate to impose a similar condition in this case.

5.3 Design and Impact on the Character of the Area

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

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

“This proposal will affect the Maldon Conservation Area. Although there are listed buildings nearby, none would be affected by the development.

I am slightly concerned that having the proposed cartlodge physically attached to the garden room will create quite a large building in total, the form of which resembles a small house. However, the proposed open-sided cartlodge is not very tall and would not be a particularly prominent addition to the area. The traditional form and materials are broadly in keeping with the architectural character of the area. Overall I consider that it would have neutral impact upon the special character of the conservation area.”

- 5.3.8 The proposed extension would be limited in its size and height compared to the existing building and others within the vicinity of the site, and would be in a corner of the site. The Conservation Officer has raised no objection to the proposal. Based on this, it is considered that the extended building would not be conspicuous or incongruous within its surroundings and would not cause harm to the character and appearance of the Conservation Area or the setting of any listed building. It is recommended that conditions are imposed requiring details of any works required to existing trees as well as tree protection measures in relation to the existing trees along the boundaries of the site (one of which would partly overhang the proposed cart lodge) and to require the submission of samples of external materials for approval, in the interests of the character and appearance of the Conservation Area.
- 5.3.9 The Town Council has recommended refusal on the basis that the development would lead to overdevelopment of the site. However, the proposed extension would only use a very small part of the 0.1ha application site and so it is not considered that the development would result in over-development.

- 5.3.10 The proposal is, therefore, considered to maintain the character and appearance of the Conservation Area and is in accordance with the abovementioned local plan policies.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The nearest neighbouring residential property is located immediately beyond the north-eastern corner of the application site where the proposed extension would be constructed. However, the extension would be set off the boundary by at least 2.8m and due to it being single storey in height with a roof which would slope away from this neighbouring property, it is considered that the development would not have an adverse impact on the amenity of the occupiers of this neighbouring dwelling by reason of privacy, overlooking, outlook, light, visual impact, daylight and sunlight. The proposal would not have an adverse impact due to noise, smell or pollution as a result of the nature and scale of the development proposed.
- 5.4.3 Planning permission was granted for the existing outbuilding (reference FUL/MAL/15/00379) subject to a condition that the building was only used in association with the garden area and for those purposes incidental to the enjoyment of residents of 63 High Street and the residents and employees of the units within the curtilage of 63 High Street and not for any other purpose including commercial or business purposes or for any overnight sleeping purposes. It is considered necessary for a condition to be imposed on any planning permission for the extension proposed, to limit the use of the cart lodge to purposes incidental to the enjoyment of residents of 63 High Street, in the interests of the amenity of neighbouring residents.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The proposed cart lodge would be accessed via an existing vehicle access from Old Mill Close and would be constructed adjacent to an existing area of hardstanding. The Vehicle Parking Standards require a car port for 1 car to have minimum internal dimensions of 3m x 6m. The internal dimensions of each parking space within the proposed car port would be below these minimum dimensions but, as the cart lodge is not required to contribute towards meeting the off-street parking requirements for 63 High Street, this deficiency is not a reason for refusal in this case.

5.5.4 The Highways Officer has raised no objections, subject to a condition that all loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic is undertaken within the application site, clear of the public highway.

5.5.5 Based on the above and subject to the imposition of the condition as recommended by the Highways Officer, it is considered that the proposal would not raise adverse issues regarding access, parking or highway safety.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00379** - Proposed single storey outbuilding. Approved 12.06.2015
- **LBC/MAL/15/00381** - Proposed single storey outbuilding. Approved 12.06.2015

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as would result in overdevelopment of site	Noted – refer to section 5.3 of report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Officer	No objection subject to condition requiring that all loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic is undertaken within the application site, clear of the public highway	Noted – refer to section 5.5 of report
Essex County Archaeology	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection	Noted -refer to section 5.3 of report
Environmental Health	No response	

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

8.1 Pre-Commencement Conditions

8.1.1 One pre-commencement condition is recommended (condition 5) and the applicant/agent was written to on 05.02.2019 to advise of the intention to use this condition. If no response is received or no objection raised to the condition by 19.02.2019 the Local Planning Authority is able to impose the suggested condition.

8.1.2 It is considered that the pre-commencement condition is necessary on the grounds that, without it, there is potential for harm to be caused to the character and appearance of the Conservation Area due to damage to the existing trees.

8.2 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: drawing 1 rev.A
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall only be used in association with the garden area and for those purposes incidental to the enjoyment of residents of 63 High Street and not for any other purpose including commercial or business purpose.
REASON To protect the amenities of the occupants of neighbouring dwellings in accordance with Policy D1 of the MDALDP and the NPPF.
- 4 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy T2 of the MDALDP.
- 5 No development shall take place until details have been submitted and approved in writing by the Local Planning Authority in accordance with the

requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required;
- Trees to be retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs, construction of hard surfaces, protective fencing and ground protection).

The development shall be carried-out in accordance with the approved details.

REASON To secure the retention of the trees within the site in the interests of visual amenity and the character of the area in accordance with policies D1, H4 and D3 of the MDALDP.

- 6 No development shall take place above slab level until samples of the external materials to be used in the construction of the cart lodge have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON In the interests of the character and appearance of the Conservation Area, in accordance with Policies D1, D3 and H4 of the MDALDP.