



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

Application Number	19/01274/FUL
Location	Harbour House, 23 Chandlers Quay, Maldon
Proposal	Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall
Applicant	Mr & Mrs Lawson
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	30.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy Reason: D1; H4, D3

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Harbour House 23 Chandlers Quay Maldon
19/01274/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	20/01/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located within the Maldon Conservation Area. The building the subject of this application is relatively modern but of a traditional style recognised in the Maldon District Conservation Area Review as making a 'positive/neutral' contribution to the Conservation Area.
- 3.1.2 The property is adjacent to the foreshore which forms part of Chandlers Quay off The Fullbridge. The property was a vacant office building with a ground floor entrance on the quay side and is in the process of being converted into a two-bedroom dwelling (reference 18/01326/FUL). Vehicular access to the site is off Fullbridge via the private access road which is Chandlers Quay. A public footpath runs along Chandlers Quay along the southern elevation of the building.
- 3.1.3 The site is within the Maldon and Heybridge Central Area and is covered by the Maldon and Heybridge Central Area Masterplan. The Blackwater Estuary is located immediately to the east of the site.
- 3.1.4 With reference to the Environment Agency's flood risk maps, it would appear that the majority of the site is located within flood risk Zone 3 (high risk). However, the Environment Agency has advised (in response to previous application reference 19/00606/FUL) that they are satisfied that the application site is not located within Flood Zone 3.
- 3.1.5 The current application seeks a variation of condition 2 (approved plans) of approved planning application 18/01326/FUL (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall.
- 3.1.6 Condition 2 requires the following: The development hereby permitted shall be carried out in accordance with the following approved plans and documents: drawings (received on 03/01/2019) 01, 02, 03, 04, 05 REASON To ensure that the development is carried out in accordance with the details as approved.
- 3.1.7 The applicant wishes to add metal fencing to the rear of the building (to enclose space for the storage of bins and bicycles), external stone steps to the curved end of the building and metal fencing to the curved end of the building and front amenity space areas. The fencing would match the existing fencing.
- 3.1.8 The application has been submitted following the refusal of planning permission (reference 19/00997/FUL) for the 'Variation of condition 2 on approved planning permission 18/01326/FUL (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall'. Planning permission was refused for the following reasons:

- 1 The proposed two-bedroom dwelling would not be provided with private amenity space of sufficient quantity and quality. Therefore, the development would not provide an adequate quality of life for the occupiers of the proposed dwelling, contrary to Policy D1 of the Maldon District Approved Local Development Plan, the Maldon District Design Guide and the NPPF.
- 2 The lack of car parking proposed on site would fail to accommodate the demand for parking generated by the proposed use of the site which in turn will lead to cars parking within adjoining streets causing conditions of obstruction, congestion and inconvenience to other road users, failing to accord with policies D1 and T2 of the Maldon District Approved Local Development Plan.

The drawings submitted with the current application include two parking spaces measuring the required 2.9m x 5.5m within the site but the amenity space provision remains unchanged.

3.2 Conclusion

- 3.2.1 The proposal would not provide an adequate quality of life for the occupiers of the proposed dwelling. A refusal of planning permission is recommended on this basis.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 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
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 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 The Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk
- E1 Employment
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity

- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the impact of the proposal on the character and appearance of the area, which is a Conservation Area, the impact on the quality of life for the occupiers of the proposed dwelling, the provision of parking and any impact on the occupiers of local residences. The proposed variation of the condition does not have any implications for nature conservation or flood risk.

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 This principle has been reflected to the approved Local Development Plan (LDP). 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 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.
- 5.2.6 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. 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.
- 5.2.7 The Conservation Officer has not commented on the current application but, in response to the previous application (reference 19/00997/FUL) which was for the same development, the following specialist advice was provided:-
- This property is part of a development completed around 2003, known as Chandlers Quay. It is constructed in a traditional style deploying an interesting mixture of forms and materials (notably brick and weatherboard). It has a distinctive hexagonal tower at the eastern end of the building with a turret. The Maldon District Conservation Area Review identifies the building as making a 'positive/neutral' contribution to the conservation area.*
- The proposed railings would reflect the style of the railings along the southern elevation. The proposed railings and steps would not in my judgement result in harm to the character of the conservation area. The proposal would not therefore conflict with policy D3 of the Maldon LDP, Chapter 16 of the NPPF or the requirements of section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.*
- 5.2.8 The proposed railings would match and so be in-keeping with those which exist in the vicinity of the site and planning permission has already been granted for railings along part of the rear elevation of the dwelling (reference 19/00761/FUL). Whilst it is understood that the enclosure proposed to the rear of the building would be partly used for the storage of bicycles and bins which could be unattractive, it is not considered that this would have a materially adverse impact on the character and appearance of the area provided that further details of the exact location and appearance of the storage facilities are required by condition. Whilst not mentioned as part of the application, the submitted drawings include a revised design of the

enclosure of the first-floor balcony approved as part of application reference 18/01326/FUL. However, no objection is raised to this revised design. Based on this and the Conservation Officer's advice, it is considered that the amendments to the approved scheme would not have an adverse impact on the character or appearance of the area, which is a Conservation Area. Therefore, the proposal would not be contrary to Policies D1, D3 and H4 of the MDLDP and the NPPF.

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 It is considered that the proposed amendments to the approved development would have no adverse impact on the amenity of the occupiers of any neighbouring residential property due to the nature and extent of the changes proposed.

5.4 Quality of Life for Occupiers of the Proposed Dwelling

- 5.4.1 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.
- 5.4.2 In dismissing the 2018 appeal, the Inspector considered that the proposal would not make adequate provision for private amenity space for the family sized, four-bedroom dwelling proposed. An amenity area of just over 44sq.m. was proposed at the front of the property, enclosed by a low brick wall. The Inspector commented that this *'space is proposed to incorporate bicycle stands and would be capable of accommodating a small table and chairs, but would not be private as it would be overlooked by people passing by.'* A further narrow strip of 1.5m in width was considered to have *'limited practical amenity value for residents and would also be overlooked from the adjacent highway and surrounding residential properties.'* The balcony proposed at first floor level at that time was not considered to be acceptable means of providing the required amenity space as it would not have preserved the character and appearance of the Maldon Conservation Area.
- 5.4.3 The dwelling which has been approved (18/01325/FUL) would have two rather than four bedrooms. A study was included on the previously submitted drawings at lower ground floor level (19/00997/FUL) which could have been used as a third bedroom. However, the use of this room has not been indicated as part of the current application and, in any event, the use of any part of this floor for anything other than non-habitable accommodation is not permitted as a result of conditions attached to previous planning permissions. Therefore, the level of amenity space proposed has been assessed against the standards recommended for two-bedroom dwellings. The MDDG recommends the provision of a minimum of 50sq.m. for two bedroom dwellings. The amenity space proposed as part of the current proposal would consist of:

- an undercover terrace partly glazed screened area of 20sq.m.
- a strip of land, between 1.5m and 2m in depth, around the external elevations of the building amounting to 49sq.m. enclosed by a 1m high metal railings

5.4.4 The originally approved scheme (18/01326/FUL) included an amenity room at lower ground floor level with bi-fold doors creating 10.7sq.m., an undercover terrace partly glazed screened area of 17.7sq.m. and external amenity spaces 19.5sq.m. and 10.5sq.m. It was acknowledged as part of the assessment of that scheme, that the 'internal' amenity space proposed was not ideal and that the majority of the external amenity space would not be private. However, given the urban location of the site, as only a two-bedroom dwelling was proposed and due to the site's proximity to public areas of open space, it was considered that the lack of private external amenity space would not result in an inadequate quality of life for the occupiers of the dwelling proposed. A condition was imposed to require that the amenity areas were enclosed as approved, in perpetuity.

5.4.5 However, whilst more than 50sq.m. of amenity space would be provided, as a result of the amendments now proposed, none of the external amenity space would be private and would be of limited quality as a result of its width and the location of significant proportion of the space abutting a highway (Chandlers Quay). As a result, the quality of life for the occupiers of the proposed dwellinghouse would be below an acceptable level. It is recommended below that permission is refused for this reason.

5.5 Other Material Considerations

5.5.1 The submitted drawings include a revised lower ground floor layout which includes a room originally approved as an 'amenity room' (10.7sq.m.) as an internal room. The revised proposal, therefore, also does not comply with the requirements of condition 6 of permission references 18/01326/FUL, 19/00606/FUL and 19/00761/FUL part of which require that the means of enclosure of the amenity areas shown on the approved drawings are provided as approved prior to the occupation of the dwellinghouse and retained for their designated uses in perpetuity.

5.5.2 The current application does not seek to vary any of these conditions. Therefore, even if the current application were approved, the requirements of these conditions would endure. It is recommended below that informatives are added to the decision issued advising the applicant accordingly.

5.5.3 The previously proposed scheme (reference 19/00997/FUL) was partly refused as the proposal did not include any provision for off-street parking which did not comply with the adopted standard for two-bedroom dwellings which is a minimum of two off-street parking spaces per dwelling. However, the drawings submitted with the current application include two parking spaces measuring the required 2.9m x 5.5m within the site. Therefore, this previous reason for refusal has been addressed.

6. ANY RELEVANT SITE HISTORY

- **19/00997/FUL** - Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall - Refused 26.11.2019

- **19/00761/FUL** - Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) Variation sought: new metal fencing to match other properties on Chandlers Quay, new rear door and step access to outdoor amenity storage area within fenced enclosure. Approved 19.09.2019
- **19/00697/FUL** - Variation of condition 2 (approved drawings) and condition 10 (only non-habitable accommodation at lower ground floor level) of planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to add balconies at first and second floor levels and provide habitable accommodation at lower ground floor level. Refused 20.08.2019
- **19/00606/FUL** - Removal of conditions 7 (Flood Warning and Evacuation Plan) and 8 (flood resistance/resilience measures) on approved planning application FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays). Approved 15.07.2019
- **19/05068/DET** - Compliance with conditions notification of approved application FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) Condition 8 - Flood resilience/resistance measures. Approved 20.06.2019
- **18/01326/FUL** - Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays. Approved 08.01.2019
- **17/00678/FUL** - Proposed conversion of No.23 Chandlers Quay from office to residential. Balcony details, amenity space defined. Appeal dismissed 05.07.2018
- **17/00272/FUL** - Proposed conversion of No.23 Chandlers Quay from office to residential. New front entrance, pod canopy and access stairway. Minor fenestration alterations, new amenity balcony to South elevation. Refused 16.05.2017
- **08/00665/FUL** - Conversion of 2 No. parking bays into office reception area. Approved 22.07.2008
- **05/00123/FUL** - Non compliance with Condition No. 7 imposed upon planning permission FUL/MAL/99/0968 in respect of the use of the premises at number 23 (Unit B3) for purposes associated with the waterside. Approved 01.04.2005
- **99/00968/FUL** - Proposed office and workshop accommodation for existing riverside activities and 7 no. 2/3 bedroom apartments (East West Moorings) Blocks B1, B2, B3 Chandlers Quay. Approved 09.03.2000

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 approval, subject to the views of the Conservation Officer and the Highways Authority.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No response	

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed two-bedroom dwelling would not be provided with private amenity space of sufficient quality. Therefore, the development would not provide an adequate quality of life for the occupiers of the proposed dwelling, contrary to Policy D1 of the Maldon District Approved Local Development Plan, the Maldon District Design Guide and the NPPF.

INFORMATIVE

The drawings submitted as part of the current application include an internal room on the 'Proposed Ground Floor Plan' which was originally approved as an 'amenity room'. Part of condition 6 of planning permission references 18/01326/FUL, 19/00606/FUL and 19/00761/FUL requires that the means of enclosure of the amenity areas shown on the approved drawings are provided as approved prior to the occupation of the dwellinghouse and retained for their designated uses in perpetuity. If the approved 'amenity room' is to be used and enclosed as indicated on the drawings submitted with the current application, it would be necessary for planning permission to remove these conditions or vary their wording accordingly to first be gained.