



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
24 FEBRUARY 2021**

Application Number	20/01208/LBC
Location	The Waffle Bar, 144 High Street, Maldon, CM9 5BX
Proposal	Remove brick pier/pillar to the east boundary wall.
Applicant	Southend & District Building Preservation Trust (East) Ltd
Target Decision Date	26.02.2021
Case Officer	Hannah Dungate
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in by Councillor C Mayes Reason: D1, D3 and S3

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

The Waffle Bar, 144 High Street, Maldon, CM9 5BX
 20/01208/LBC



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	04/02/2021
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Maldon High Street and is within the Maldon Conservation Area. No. 144 High Street is a Grade II listed building. It is a medieval timber-framed hall and cross-wing, later altered in several ways. Within the rear yard of No. 144 is its former coach house which dates from the early 19th Century, known as No 144B High Street. At the rear of the Coach House are two semi-detached cottages allowed at appeal, known as Nos. 1 and 2 Tudor Court (APP/X1545/W/16/3142897 refers).
- 3.1.2 Vehicular access to these properties is taken from the High Street, east of No. 144A, with the eastern boundary of the site defined by a brick wall.
- 3.1.3 The boundary wall between Nos. 144 and 146 appears to date from the 1930's when No. 146 was built. It is constructed of a mixture of red bricks and Fletton bricks laid in cement mortar.
- 3.1.4 Listed Building Consent is sought for the removal of a brick pier from the east boundary wall. The existing pier is located approximately 3.9m from the back edge of the public footpath. The brick pier in question is half-round and composed of bricks laid vertically. The top of the pier was recently damaged during building work to the rear of No. 144.

3.2 Conclusion

- 3.2.1 It is considered that the removal of this pier would not harm the character of the conservation area or the setting of the listed building given that it is a structure of limited historic significance. Therefore, it is considered that the development is in accordance with policies D1 and D3 of the Local Development Plan (LDP), sections 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 184-202 Conserving and enhancing the historic environment

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

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)

5. MAIN CONSIDERATIONS

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

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

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

5.1.3 This principle has been reflected to the approved 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

5.1.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG).

5.1.5 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.

- 5.1.6 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. 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’.
- 5.1.7 Similarly, policy D3 of the approved Maldon District LDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.1.8 No. 144 High Street is a grade II listed building in the Maldon Conservation Area. It is a medieval timber-framed hall and cross-wing, later altered in several ways. The significance of this listed building derives mainly from its great age, historic fabric, and attractive presence within the street scene. The boundary wall between No. 144 and No. 146 appears to date from the 1930’s when No. 146 was built. It is constructed of a mixture of red bricks and Fletton bricks laid in cement mortar. As a traditionally detailed brick boundary wall, it is in-keeping with the setting of the listed building and the character of the conservation area.
- 5.1.9 The proposed development seeks to remove a brick pier from this boundary wall. The brick pier in question is half-round and composed of bricks laid vertically. It appears that the top of the pier was recently damaged during building work to the rear of No. 144.
- 5.1.10 It is noted that objections have been received from the Maldon Society who have stated that although the boundary wall is not included within any description of adjacent listed buildings it is within the Conservation Area and worthy of retention. The Maldon Society have also stated that the pier has an unusual and attractive design necessary to its structural function and that the upkeep of the wall is being neglected by the owners of the site.
- 5.1.11 The Council’s Specialist in Heritage and Conservation has raised no objections to the proposed development commenting that the boundary wall is a ‘structure of limited historic significance’. The Specialist in Heritage and Conservation has advised that although the wall is protected as a structure predating 1948, within the curtilage of 144 High Street, pursuant to section 1(5)(b) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the removal of this pier would not ‘harm the character of the conservation area or the setting of the listed building.’ Based on this advice and subject to a condition relating to the replacement of any damaged bricks on the face of the wall with undamaged soft red bricks to match the existing, based on this advice, the development is considered to be in accordance with policy D3 of the

Maldon LDP, chapter 16 of the NPPF, or the duties set out in sections 16(2) or 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
20/01062/FUL	Extension and refurbishment of existing coach house to form 1no. residential unit. (Amended application to previously refused scheme 19/01234/FUL to show additional amenity space). [144B]	Refused
19/01234/FUL	Extension and refurbishment of existing coach house to form 1no. residential unit. (Amended application to previously refused scheme 19/00903/FUL to show amenity space 1no. Parking space). [144B]	Refused & Appeal Dismissed
19/00903/FUL	Extension and refurbishment of existing coach house to form 1no. residential unit. [144B]	Refused & Appeal Dismissed
16/00428/FUL & 16/00429/LBC	Change of use from Use Class A1 (retail) to A3 (restaurants and cafes) with associated operational development [144]	Approved
15/00688/FUL	Erection of two no. semi detached cottages with off street parking.	Refused & Appeal Allowed
13/00288/FUL	Construction of two reclaimed cottages. [144B]	Approved
13/00230/FUL & 13/00562/LBC	Conversion of existing coach house into a live/work unit and two storey side extension including new carriageway arch for access to rear. [144B]	Approved & LBC Granted
12/00094/FUL	Development of three cottages on land adjacent to Tait Mews. [144B]	Refused
11/00505/FUL	Three new dwellings in rear garden and provision of car parking. [144B]	Refused
09/00591/FUL & 09/00592/LBC	Use of building for b1 use and two storey side extension including new carriageway arch for access to rear [144B]	Approved & LBC Granted

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend refusal to remove the brick pier/pillar which is in-keeping with the	Noted

Name of Parish / Town Council	Comment	Officer Response
	setting of the listed building, is in the Maldon Conservation Area and should be preserved due to its historic value.	

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	<p>The removal of this pier will not, in my judgement, harm the character of the conservation area or the setting of the listed building. The proposal therefore poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or sections 16(2) or 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>For these reasons I raise no objection to the approval of this application, subject to the recommended condition.</p>	Comments and recommended conditions noted

7.3 Representations received from Interested Parties

7.3.1 **One** letter from The Maldon Society was received **objecting** to the application. The reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Piers are necessary to ensure the stability of this brickwork wall and their circular design is an unusual and very attractive solution to a necessary structural function.	Noted – refer to section 5.1.11 of report.
The upkeep of the wall is being neglected by the owners and fear the aim is to remove it altogether.	Noted – refer to section 5.1.11 of report.
Creating a wider access is no benefit.	Listed Building Consent applications only consider the impact of the proposed works on the significance of the Listed Building and do not take into account material planning considerations that would be assessed as part of a planning application. This comment is not therefore a material consideration for this type of application.
The 20 th century architectural style is not widely represented within the Conservation Area and is worthy of retention.	Noted – refer to section 5.1.11 of report.

8. PROPOSED CONDITIONS – 20/01208/LBC

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents:
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 Following removal of the pier hereby approved, any damaged bricks on the face of the wall shall be replaced with undamaged soft red bricks to match the existing.
REASON To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.