



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
22 NOVEMBER 2023**

Application Number	23/00603/FUL
Location	The Kings Head Centre, 38 High Street, Maldon, Essex
Proposal	Change of use from office use (Class E(g)(i)) and former treatment rooms (Class E (e)) to 2no. short term holiday lets (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.
Applicant	Mr James Mann
Agent	Tim Farley – Copesticks Ltd.
Target Decision Date	05.09.2023
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence. With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.


1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	12/06/2023
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 At the Central Area Planning Committee on 30 August 2023 it was resolved to grant planning permission for the following description of development at the Kings Head Centre: *Change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing*, subject to a financial contribution towards the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being secured and the imposition of conditions. The planning permission has not been issued as the financial contribution has not been secured and it has since come to light that the description of the development did not fully reflect the applicant's proposal (reference to a second short term holiday let had been omitted). The description has since been amended, the application republicised and consultees re-notified. The following text is the same as the Officer report previously published but it has been updated where necessary, including to reflect the revised description and documents submitted along with the fact that the Council has already resolved to grant planning permission for the development proposed.
- 3.1.2 The Kings Head Centre forms a collection of buildings extending between the High Street and White Horse Lane to the south. A pedestrian walkway with some commercial units fronting extends between the two streets. The application relates to part of the first-floor accommodation which "fronts" High Street and forms part of the historic element of the Kings Head Centre. There is a public car park on the opposite side of White Horse Lane to the rear and commercial units either side. The site is within the Maldon Conservation Area and the Kings Head Centre is a grade II listed building.
- 3.1.3 Planning permission is sought for the change of use of former office accommodation and treatment rooms at first floor level into 2no. one bedroom short term holiday lets. It is understood that the former treatment rooms the subject of this application have, until recently, been unlawfully used as a residential flat.
- 3.1.4 There are no alterations to the exterior of the building indicated on the drawings submitted. Internally, a partition is proposed to create a bathroom and a doorway into one of the rooms. Secondary glazing to all of the windows is proposed and reference is made to the proposed installation of A/C units.
- 3.1.5 The existing access is via the corridor area at ground floor level that leads to the main staircase to the first floor level.
- 3.1.6 One of the holiday lets would accommodate 61sq.m. of floorspace which includes 36sq.m. of existing office floorspace. The second holiday let extends to around 68sq.m. of floorspace as well as an external terrace of around 24sq.m.
- 3.1.7 Bin storage would be located within the adjacent courtyard.
- 3.1.8 The application is accompanied by a Planning, Heritage, Design and Access Statement (October 2023) and a Noise survey and assessment (September 2023).
- 3.1.9 The Noise Survey and Assessment (September 2023) concludes that the *'If mitigation measures are included to achieve the specified internal noise levels, future residents of the proposed development will be protected from the dominant noise sources. Mitigation measures should include the use of appropriate acoustically rated glazing and A/C units for heating and cooling.'*

3.1.10 The application is also accompanied by a Marketing Report by Key Mann (July 2023) which includes an overview of the market, commentary on the UK economy and office market including the local Maldon market as well as information regarding the marketing strategy of the property and an overview of the enquiries, viewings and offers received.

3.1.11 The application follows an appeal which was dismissed for the change of use of the same floorspace as one of the short term holiday lets proposed to a one bedroom residential flat (application reference 21/01266/FUL). The Inspector commented as follows:

The existing site layout plan (drawing 40E) shows two office rooms and a kitchen occupying the first floor space at the front of building. The office rooms are shown as a self-contained unit while the kitchen is accessed from 'Apartment 3' that forms the middle part of the first floor. The offices were formerly occupied by a marine electronics company who have now moved elsewhere in the district. The proposed room layout is now in situ.

At my site visit, I observed that the room layout shown on the proposed floor/block plan (drawing 50A) is already broadly in place. No secondary glazing has been installed to any window although the canted bay window in the bedroom has plantation shutters fixed to the cill and frame. There was no obvious sign of any mechanical ventilation heating recovery (MVHR) system or acoustic wall lining. Therefore, the sound proofing works have yet to be implemented. I have assessed the Appeal scheme as part implemented and part proposed.

3.1.12 The previous appeal was dismissed as the adverse impacts (the loss of employment use and the uncertain listed building and living conditions effects) significantly and demonstrably outweighed the benefits of the provision of an additional residential flat. The current application seeks to address these concerns through the submission of additional/revised supporting information. The conversion of former treatment rooms into a second holiday let has also been included.

3.2 Conclusion

3.2.1 It is considered that the proposal is no less acceptable than the proposal considered at the Central Area Planning Committee on 31 August 2023 in relation to listed building and living conditions effects, taking into account the additional information submitted as part of the current application. The necessary financial contribution towards RAMS has not been secured but any further resolution to grant planning permission could be subject to a Section 106 Agreement having, first, being entered into by the relevant parties.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2023 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
- 55-58 Planning conditions and obligations

- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

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

- Policy S1 – Sustainable Development
- Policy S5 – Maldon and Heybridge Central Area
- Policy S8 – Settlement Boundaries and the Countryside
- Policy H2 – Housing Mix
- Policy H4 – Effective Use of Land
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy E1 – Employment
- Policy E3 – Community Services and Facilities
- Policy E5 – Tourism
- Policy N1 – Green Infrastructure Network
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon and Heybridge Central Area Masterplan SPD

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, the impact on heritage assets, any impact on the amenity of the occupiers of existing residential properties, the quality of life for occupiers of the proposed holiday home, parking provision and the impact on nature conservation.

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 unjustified development in flood risk areas, the historic environment, local infrastructure and services, the character and appearance of development, and minimising the 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 Policy E1 of the Local Development Plan (LDP) states that proposals which will cause any loss of existing employment uses will only be considered under certain circumstances, as follows:
- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or
 - 2) The site would have a greater benefit to the local community if an alternative use were permitted; or
 - 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.
- 5.2.4 Policy E2, in relation to Town Centre Areas, states that proposals for the development of retail, office, tourism, cultural, community, residential and other main town centre uses, as defined by national planning policy, will be permitted within defined Town Centre Areas where: 1) The scale and type of development proposed is directly related to the role and function of the centre and its catchment; and 2) There would be no significantly adverse impact on the vitality and viability of the centre or other centres.
- 5.2.5 Policy E5 states that the Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. Development for new tourist attractions, facilities and accommodation will be supported across the District where it can be demonstrated that:
- 1) There is an identified need for the provision proposed;
 - 2) Where possible, there are good connections with other tourist destinations, the green infrastructure network and local services, preferably by walking, cycling or other sustainable modes of transport;
 - 3) There will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people; and
 - 4) Any adverse impact on the natural and historic environment should be avoided wherever possible. Where an adverse impact is unavoidable, the proposal should clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. Where a development is deemed relevant to internationally designated sites, the Council will need to be satisfied that a project level HRA has been undertaken and that no potential significant adverse impact has been identified.
- 5.2.6 As the proposal is for short-term holiday lets to replace the lawful office use and beauty treatment rooms in a town centre, Policies S5, E1, E2 and E5 are relevant to the assessment of the proposal. It is considered that the use proposed in the town centre, given its nature and scale, would not conflict with Policies S5 and E2.

- 5.2.7 Furthermore, the site is within the settlement of Maldon which is classified as a 'main settlement' within the District, as detailed within policy S8 of the LDP. The main settlements are those with a range of services and opportunities for employment, retail and education. They serve a wide catchment area and contain good public transport links. The occupiers of the site would have access to a good range of services and facilities by means other than the private car. The site is located within the town centre and walking distance of the Leisure Quarter of the Maldon Central Area (which includes Promenade Park) and there are bus stops within the vicinity of the site. This good level of accessibility weighs in favour of the proposal.
- 5.2.8 With respect to the criteria within Policy E5, it is not considered that the proposal conflicts with criterion 2) or 3) i.e there are good connections with other tourist destinations, the green infrastructure network and local services, by walking, cycling or other sustainable modes of transport and there will not be any significant detrimental impact on the character, appearance of the area and the quality of life of local people (see below). Furthermore, whilst very limited supporting information has been provided to demonstrate that there is an identified need for the provision proposed (criterion 1), the Council has commissioned a Visitor Accommodation Study as part of the review of the LDP, the initial results of which have been received (November 2022) but not yet published. Following internal discussions, Officers understand that the results support the provision of additional holiday accommodation within the District including accommodation in Maldon. Therefore, it is not considered that the proposal is contrary to this criterion.
- 5.2.9 With respect to criterion 4, the adverse impact on nature conservation could be effectively mitigated provided that a financial contribution towards the RAMS is secured. Whilst no Unilateral Undertaking (UU) has been submitted as part of the application at the time of writing this report, any resolution to grant planning permission could be subject to all interested parties first entering into a Section 106 Agreement to secure the payment (see below).
- 5.2.10 The Kings Head Centre is a mixed-use development of commercial and residential uses. There is no objection to the provision of additional holiday lets in Maldon town centre. Furthermore, with respect to the requirements of Policy E1, on the basis that the use proposed would be a commercial one and it is stated that employment for one full time worker would be created, it is reasonable to conclude that the use of the premises as holiday lets would generate a level of employment. It is also noted that only a limited amount of office floorspace (around 36sq.m.) would be lost. It is, therefore, not considered that assessment of the proposal against the criteria of Policy E1 is necessary, unlike the proposal the subject of the previous appeal.
- 5.2.11 The development would also generate at least some economic benefits through the completion of the construction of the development and additional expenditure in the local economy by the occupiers of the holiday lets. This economic benefit would weigh in favour of the proposal but would be limited as only two holiday lets are proposed.
- 5.2.12 Based on the above, no objections are raised to the principle of the change of use proposed, in compliance with Policies S1, S5 and E1, and the employment loss related reason the previous appeal was dismissed has been overcome.

5.3 Design and Impact on the Character of the Area

- 5.3.1 Policy D1 of the LDP is applicable to the consideration of design. This Policy, coupled with the NPPF, aims to ensure good design taking into account matters

including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.3.2 In addition, the application site is located within the Maldon Conservation Area. Policy D3 states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 5.3.3 The proposal is for a change of use only and there are no proposed changes to the external appearance of the building included on the drawings submitted. However, it is noted that reference is made in the Noise Survey and Assessment submitted to the provision of air conditioning units which are not included on the drawings submitted (although it is noted that there are two existing air conditioning units on the southern elevation of the building). However, details of the units could be required by condition if planning permission were to be granted.
- 5.3.4 Therefore, the proposal would not have an adverse impact on the character and appearance of the area and the Conservation Area, in compliance with Policies D1 and D3 of the LDP. The Specialist – Conservation and Heritage concurs with this view.

5.4 Impact on the Listed Building

- 5.4.1 Policy D3 of the LDP states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Development that affects a heritage asset will be required to 'preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest'.
- 5.4.2 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.
- 5.4.3 The King's Head is a grade II listed building situated in the Maldon Conservation Area. It is a 15th-century timber-framed building upgraded with a brick façade in the 18th-century. Overall, the King's Head is a building of considerable architectural and historic interest and it makes an important contribution to the special character of this part of the conservation area.
- 5.4.4 The Specialist – Conservation and Heritage raises no objection to the proposal in principle. The Specialist has also commented that the reopened doorway has involved the removal of modern plasterboard and no loss of historic fabric and the new partition is a reversible intervention and has resulted in no harm to the character of the interior. In addition, based on the comprehensive drawings relating to secondary glazing, the Specialist is satisfied that these should not detract from the special character of the building. However, the Specialist notes that the noise assessment report recommends the use of air conditioning units to the listed building but that the locations of the proposed units have not been shown on the submitted plans. The Specialist advises that the units should be located where they will have minimal impact on the character and appearance of the heritage assets. As stated

above, details of the air conditioning units could be required by condition if planning permission were to be granted. The Specialist also notes that it is now clear no external wall insulation is proposed.

- 5.4.5 As a result, it is considered that the proposal would not have an adverse impact on the integrity of the listed building, in compliance with Policy D3 of the LDP.

5.5 Impact on Residential Amenity

- 5.5.1 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).
- 5.5.2 One of the requirements of Policy D2 is to minimise all forms of possible pollution including air, land, water, odour, noise and light. The Policy states that any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.5.3 The level of floorspace, at around 61-68sq.m., proposed is considered to be sufficient for one-bedroom holiday lets and all of the habitable rooms proposed would be provided with an adequate level of natural ventilation, daylight and outlook.
- 5.5.4 The application is supported by a Noise Survey and Assessment which concludes that satisfactory noise levels within the holiday units could be provided subject to sound proofing works including secondary glazing and air conditioning units.
- 5.5.5 The Specialist – Environmental Health has no comments to make on the proposal.
- 5.5.6 Taking this advice into account, it is considered that the occupiers of the proposed holiday lets would not be exposed to a level of noise disturbance which would be harmful to their quality of life provided that the noise mitigation measures recommended are installed. Therefore, the current proposal would provide an adequate quality of life for the occupiers of the proposed holiday lets, in accordance with Policies D1 and D2 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development 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.
- 5.6.2 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 encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.6.3 No off-street parking would be provided for the occupiers of the proposed holiday lets. However, in this part of Maldon town centre there is little scope for any lawful on-street parking. In these circumstances, even if the future occupiers of the development were to have a car, it seems unlikely that it could be parked on-street

anywhere in the vicinity, other than for occasional purposes such as loading and unloading. Given the restrictions in force, any parking or waiting for those kinds of purposes would of necessity be likely to be brief, and any inconvenience would thus be temporary and limited. There is no evidence that this type of usage would be likely to cause any significant problems or add noticeably to any that already exist. There is also a public car park directly opposite the property.

- 5.6.4 Furthermore, the existing lawful use of the building is likely to generate at least some vehicular traffic in any event and the location is one where car use would not be essential. Most of the town's facilities are within walking distance. Public transport is available close by. A condition could be imposed if planning permission were to be granted requiring a bicycle store. Therefore, it is considered that a refusal of permission on this ground is not justified.

5.7 Nature Conservation

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.6 Policy E5 (criterion 4) also requires that any adverse impact on nature conservation needs to be effectively mitigated.
- 5.7.7 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast RAMS, to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (Zoi) of these sites cover the whole of the Maldon District.

- 5.7.8 NE anticipate that, in the context of the Local Planning Authority's (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots. Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE has provided an HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.9 The application site falls within the Zol for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that an HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.10 To accord with NE's requirements, an Essex Coast RAMS HRA Record would need to be completed by the LPA to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance.
- 5.7.11 To accord with NE's requirements and to accord with their consultation response along with the advice from Essex County Council (ECC) Ecology, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute an LSE to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites due to the nature, scale and location of the development proposed. Based on this and taking into account NE's

advice, it is considered that mitigation, in the form of a financial contribution, is necessary, in this case.

5.7.12 The application has not been accompanied by a Unilateral Undertaking to secure the necessary financial contribution (£156.76 per dwelling) at the time of writing this report. Therefore, the off-site impacts of the development on nature conservation will not be adequately mitigated but any further resolution to grant planning permission could be subject to a Section 106 Agreement having, first, being entered into by the relevant parties.

5.8 Planning Balance

5.8.1 The proposal would provide holiday lets which may benefit tourism within the District. However, this benefit would be limited as only two holiday lets are proposed. The Council has resolved to grant planning permission for one holiday let. It is not considered that an additional holiday let would have any greater adverse impact on heritage assets or the quality of life for the occupiers of the proposed accommodation and the off-site impacts of the development on nature conservation could be adequately mitigated. The proposal is, therefore, in compliance with Policies N1, N2, D1, D2, D3 and I2 of the LDP.

5.8.2 No objection to the proposal is raised in relation to the impact on the character or appearance of the area or the absence of off-street parking provision, in this case.

5.8.3 The development proposed would, therefore, be sustainable, and is recommended for approval below.

6. ANY RELEVANT SITE HISTORY

- **23/00995/PACUCD** – Prior notification for the change of use of suite 5 from office (Use Class E) to residential (Use Class C3). Undetermined
- **23/00604/LBC** Works associated with change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) to part of first floor fronting the High Street including installation of secondary glazing. Undetermined.
- **23/00490/FUL** Proposed change of use from (Class E(e)) Osteopath treatment rooms to (Sui Generis) short term holiday let accommodation. Undetermined
- **22/01215/FUL** Proposed part change of use of units 16 and 17 from retail use (Class E) to a Deli / Bar and takeaway (Sui Generis). Approved 14.02.2023
- **22/01147/LBC** Partial demolition of existing chimney stack above flat 3 to pitch line of roof and rebuild a lower height chimney stack. Approved 05.01.2023
- **22/00483/FUL** Proposed change of use of units 11 and 12-14a from retail use to a Deli / Bar and takeaway with external seating. Approved 08.07.2022
- **21/01268/FUL** Change of use from suite of treatment rooms to a 1 bedroom residential flat at part first floor level fronting White Horse Lane. Appeal dismissed 10.02.2023
- **21/01266/FUL 21/01267/LBC** Change of use from 2no offices and existing additional kitchen to adjoining flat into a 1 bedroom flat at part first floor level fronting the High Street. Appeal dismissed 10.02.2023
- **21/00633/COU** Proposed change of use from suite of treatment rooms to a 1 bedroom residential flat at part first floor level fronting White Horse Lane. Refused 11.10.2021
- **21/00634/FUL 21/00635/LBC** Section 73A application for the completion of the change of use from offices to a 1 bedroom flat, incorporating the additional kitchen from the adjoining flat as its bedroom at part first floor level fronting the

High Street. Planning permission refused 14.10.2021. Listed building consent granted 14.10.2021

- **18/00275/FUL** Change of use of first floor office from use class B1 to use class D1 to be used in conjunction with existing osteopathy clinic at offices numbered 2 and 4. Approved 24.04.18
- **16/00925/FUL** Change of use from offices to residential, including a single and double bedsit at Suite 5, second floor, 11-14 Kings Head Centre. The proposals are alterations to the existing staircase and the introduction of studwork partitions to form the separation between the bedsit's and form the single bedsit bathroom / kitchenette. The double bedsit will retain the existing bathroom / kitchenette. Previously to the Office use was Residential. Approved 03.11.16
- **16/01421/FUL 16/01422/LBC** Rear three storey extension The proposals are to bring forward the existing facade so it exactly matches the existing section of the building so it lines through with the existing adjoining two storey extension, including the brick plinth course, oak timber frame, weatherboarding and render, shop fronts, windows and overhanging balcony window at second floor level, all with slate roof over. The 3 storey Extension will form a new retail shop at ground level, an additional treatment room at first floor and enlarging single bedsit to a double at second floor level. Approved 30.01.17
- **15/01054/FUL** Changing the use from residential to business, no changes to any of the structure. Approved 07.12.15
- **14/00561/FUL** Change of use from office to a 1 bedroom flat. Approved 31.10.14
- **10/00485/FUL** Change of use from office to consulting room. Approved 16.08.10
- **06/01305/FUL** Change of use of part first floor to Osteopathic Clinic. Approved 10.01.07
- **94/00817/FUL 94/00818/LBC** Change of use of first floor to Body Studio beauty room and hairdressers and form new access and lobby to flat 2. Approved 12.01.1995
- **94/00486/FUL 94/00487/LBC** Conversion of first floor to 3no. flats with consequential internal alterations at first floor. Approved 25.08.1994

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 conditions set by the District Council being complied with.	Noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No observations.	Noted – refer to section 5.5 of report.
Specialist – Heritage and Conservation	The revised assessment includes information on the types of external wall insulation already in place. Based on the information before me I advise this appears to have result in	Noted - refer to sections 5.3 and 5.4 of report.

Name of Internal Consultee	Comment	Officer Response
	<p>no harm to the listed building's significance. I gather from the report that no additional insulation is proposed. I note that there is still no information on the locations of the proposed air-conditioning units. I would recommend that this is requested prior to the units' installation via a condition attached to the listed building consent. Notwithstanding the above comments I advise that the proposal should cause no harm to the significance of the listed building or that of the conservation area. As such the proposal poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or the duty set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For these reasons I raise no objection to this application, subject to the aforementioned condition regarding the location of the proposed air-conditioning units.</p>	

7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

8. HEADS OF TERMS OF ANY SECTION 106 AGREEMENT, INCLUDING PROPOSED CONDITIONS.

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Financial contribution towards RAMS

PROPOSED 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:

Premises as Existing drawing 61E
Premises as Proposed drawing 69A
Window detail drawing no. 63
Window detail drawing no. 66A

Noise survey and assessment (September 2023) PC-21-0245-RP1 rev.E
REASON To ensure that the development is carried out in accordance with the details as approved.

3. The use hereby permitted shall not commence until all of the noise mitigation measures included in the Noise Survey and Assessment (September 2023) PC-21-0245-RP1 rev.E for the accommodation the subject of this application have been installed and it has been demonstrated to the local planning authority that the predicted noise levels have been achieved. The mitigation measures shall be retained, as approved, thereafter.
REASON To ensure that an adequate quality of life for the occupiers of the holiday lets are provided in accordance with Policy D2 of the approved Maldon District Local Plan and the NPPF.
4. The size, appearance and locations of any air-conditioning units associated with the approved development shall be submitted to and agreed in writing with the local planning authority prior to their installation.
REASON The noise assessment report accompanying the application recommends the use of air-conditioning units, but the submitted drawings do not indicate the locations of the proposed units. This condition is necessary to ensure that the units will have minimal impact on the character and appearance of the listed building and conservation area, in compliance with Policy D3 of the approved Maldon District Local Development Plan and the NPPF.
5. The development hereby approved shall be used as holiday accommodation and at no time shall the unit be occupied continuously for a period exceeding 28 days by the same person(s) or reoccupied within 3 months of vacating the accommodation by the same person(s).
REASON To prevent permanent residential occupation of the holiday let, in accordance with Policies S5, E2 and E5 of the Maldon District Local Development Plan and the NPPF.
6. The owners / operators shall maintain an up to date register of the names of all persons who stay within the approved holiday accommodation on the site, the duration of their stay, and an indication of their main home addresses by way of road name and town and shall make this information available at all reasonable times to the Local Planning Authority.
REASON To prevent permanent residential occupation of the holiday let, in accordance with Policies S5, E2 and E5 of the Maldon District Local Development Plan and the NPPF.
7. The use hereby permitted shall not commence until provision has been made for the storage of bicycles within the site in accordance with details which have been submitted to and gained the prior written approval of the local planning authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter. The storage facility shall be retained as approved in perpetuity.
REASON To promote the use of sustainable means of transport in accordance with Policy T2 of the approved Maldon District Local Development Plan and the NPPF.