



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

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|---|--|
| <b>Application Number</b>                             | <b>23/00604/LBC</b>  |
| <b>Location</b>                                       | The Kings Head Centre, 38 High Street, Maldon, Essex   |
| <b>Proposal</b>                                       | Works associated with proposed 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.   |
| <b>Applicant</b>                                      | Mr James Mann  |
| <b>Agent</b>  | Tim Farley – Copesticks Ltd.   |
| <b>Target Decision Date</b>                           | 05.09.2023   |
| <b>Case Officer</b>                                   | Kathryn Mathews  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | 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**

**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.



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|--|---------------|-------------------------|
|  <p><b>Copyright</b><br/>For reference purposes only. No further copies may be made.<br/>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.<br/>Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2014</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p> | Scale:        | 1:825                   |
|  | 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 listed building consent for the following description of development at the Kings Head Centre: *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*, subject to the imposition of conditions. The listed building consent has not been issued as 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 republicized 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 listed building consent 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 Listed building consent is sought for works associated with the proposed 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. 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 the former kitchen referred to above would be created. 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 application is accompanied by a Planning, Heritage, Design and Access Statement (October 2023) and a Noise survey and assessment (September 2023).
- 3.1.6 The Noise Survey and Assessment concludes that, 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'*.
- 3.1.7 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.
- 3.1.8 The application follows an appeal which was dismissed for listed building consent for works associated with the change of use of the same floorspace as one of the

holiday lets proposed to a one bedroom residential flat (application reference 21/01267/LBC). 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.*

- 3.1.9 The previous appeal was dismissed due to the uncertain listed building effects. 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 effects, taking into account the additional information submitted as part of the current application.

## **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
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 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 D1 – Design Quality and Built Environment

- Policy D3 – Conservation and Heritage Assets

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)

### **5. MAIN CONSIDERATIONS**

5.1 The issue which requires consideration as part of the determination of this application is the impact of the works proposed on the integrity of the listed building.

#### **5.2 Impact on the Listed Building**

5.2.1 Policy D3 of the Local Development Plan (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'.

5.2.2 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.

5.2.3 The King's Head is a grade II listed building situated in the Maldon Conservation Area. It is 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.

5.2.4 The Specialist – Conservation and Heritage raises no objection to the proposal in principle. The Specialist 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, the Specialist has also advised that based on the comprehensive drawings relating to secondary glazing, he 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. Details of the air conditions units could be required by condition if listed building consent were to be granted. The Specialist also noted that it is now clear no external wall insulation is proposed.

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

### **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

- **23/00603/FUL** 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. 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 | Noted.           |

### 7.2 Internal Consultees

| Name of Internal Consultee             | Comment  | Officer Response                        |
|--|--|---|
| Specialist – Heritage and Conservation | <p>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 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.</p> <p>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> | Noted - refer to section 5.2 of report. |

### **7.3 Representations received from Interested Parties**

7.3.1 No letters of representation have been received.

### **8. 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

REASON To ensure that the development is carried out in accordance with the details as approved.

3. 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.