



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
CENTRAL AREA PLANNING COMMITTEE
22 MARCH 2017**

Application Number	FUL/MAL/16/01496 LBC/MAL/16/01497
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe.
Applicant	Mr James Mann
Agent	Mr Mark Morgan - Petro Designs Limited
Target Decision Date	24 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Town Council	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

1. DEFERRAL

- 1.1 The planning application (FUL/MAL/16/01496) and Listed Building Consent (LBC/MAL/16/01497) were both deferred from the Central Area Planning Committee on 22 February 2017 when Members resolved to undertake a site visit to assess and enable full consideration of the proposed scheme.

2. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 9 of this report).

GRANT LISTED BUILDING CONSENT subject to the conditions (as detailed in Section 9 of this report).

3. SITE MAP

Please see overleaf.

The Limes Guest House, 21 Market Hill, Maldon FUL/MAL/16/01496



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: C Committee 16/01496/FUL

Date: 09/02/2017

MSA Number: 100018588

4. SUMMARY

4.1 Proposal / brief overview, including any relevant background information

- 4.1.1 The Limes Guest House is located on the west side of Market Hill, Maldon. The building is Grade II listed and is within the Maldon Conservation Area. To the north of The Limes is a car park for guests with an annex containing guest accommodation behind. To the rear of The Limes is a small garden area and a “garage” which has been converted to guest accommodation with a laundry on the ground floor. Both the annex and the “garage” are clad in black clad timber above a brick plinth with tiled roofs. The boundary is marked by a 1.7m high close boarded timber fence.
- 4.1.2 The site slopes down to the north and there is a steep drop down to the adjacent site to the north which is occupied by Market Hill Court a two/three storey flatted development. To the west / rear of the site is garaging and car parking areas associated with Saxon Court, a modern flatted development. There is an extant planning permission on this site for the construction of a shed in between the annexe and the “garage” which was approved in 2014 by application: FUL/MAL/14/01130.
- 4.1.3 It is proposed to construct a single storey building between the “garage” and the annex for use in conjunction with the guest house. The building would provide an office and a manager suite and would become a focal point for guests checking in / out.
- 4.1.4 The maximum length of the shed would be 10.5 metres and its width 3 metres. At the rear there is an inset in the building’s footprint to accommodate a tree growing close to the site boundary. The ridge height of the development would be approximately 4 metres and it would be clad in black stained timber to match the existing buildings with a brick plinth. The roof would be of natural clay plain tiles to match the existing building.

4.2 Conclusion

- 4.2.1 The proposed development is acceptable as it is modest in scale and would not adversely affect the setting of the listed building or the Maldon Conservation Area in accordance with policies BE1, BE13 and BE16 of the Maldon District Local Replacement Plan, policies S1, D1 and D3 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

5 MAIN RELEVANT POLICIES

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

5.2 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 56. 57, 131

5.3 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1, BE13, BE16, T8

5.4 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1, D1, D3, E5, T2

5.5 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Car Parking Standards

6 MAIN CONSIDERATIONS

6.1 Principle of Development

- 6.1.1 The proposal is for the construction of a new building for a site manager to be present during the day and night in conjunction with the use of the site as an established guest house. The principle of such proposal would be supported by Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) where it supports developments that widen the viability and vitality of the town centre and providing accommodation within the town centre that would support activity in the town centre. Further, there is an extant planning permission on this site for the construction of a shed between the annex and “garage” and is a material consideration when determining this planning application.

6.2 Design and Impact on the Character of the Area

- 6.2.1 Policy BE1 of the adopted local plan and policy D1 of the Local Development Plan highlights the importance of all new development being of a suitable design ensuring they are compatible with their surroundings /or improve the surrounding location subject to certain criteria. Policies BE13 and BE16 of the adopted local plan, policy D3 of the LDP and the NPPF provides guidance on heritage assets, and the importance to protect, preserve and enhance the setting of listed buildings in conservation areas.
- 6.2.2 The proposed development would be positioned to the south west of the site between the annex and “garage”. The building would have a footprint of approximately 26.5 square metres. Whilst it is acknowledged that the footprint of the development is approximately 11 square metres larger than the shed previously approved on this site, it is considered that this modest increase would not result in overdevelopment of the site.
- 6.2.3 Having considered the scale and height of the development, the building would appear subservient when viewed in context with the guest house, annex and “garage”. In terms of design and appearance, the new building would echo the annex and the “garage” and would not appear at odds when viewed from the public domain. It would be sympathetic and would have minimal impact on the setting of the listed

building in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the Local Development Plan.

6.2.4 The new building would be positioned to the rear and approximately 6 metres away from the listed building and has also been designed to avoid the removal of an existing tree on the western boundary. The Conservation Officer has been consulted and has raised no objection to the proposed scheme.

6.2.5 The application site is located within The Maldon and Heybridge Central Area under Policy S5 of the Local Development Plan. Policy S5 states that *'the Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter. The Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities'*. The Urban Designer has been consulted and has raised no objection to the proposed scheme as the site would not have an impact on the area.

6.3 Impact on Residential Amenity

6.3.1 To the rear of the site there is a parking area associated with Saxon Court. Much of the new build would be screened by the fence on the western boundary and is flanked by the existing annex and "garage" building. As such, the development would result in no impact on the amenity of residential properties to the north, west and south of the site. This would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.

6.4 Access, Parking and Highway Safety

6.4.1 Policy T8 of the adopted local plan seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy T2 of the Local Development Plan seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.

6.4.2 The access / egress point to the guest house. As such, there is no objection in this respect as the proposal would comply with policy T2 of the adopted local plan. The Highway Authority has raised no objection to this.

6.4.3 With regard to off-street parking on site, the Council's adopted Vehicle Parking Standards advises that 1 space per bedroom to be made available for guest or staff. There are currently 15 car parking spaces on site. It is noted that the new building would be occupying an area which is currently marked out as a disabled parking bay. This disabled bay would be relocated to the front of the annex and would become a 'drop off area' as this area is hard surfaced and level with no pea-shingle. Whilst there are concerns in relation to the number of off-street parking available at the site, it is important to note that the development is in a town centre location, a sustainable location, where such provisions can be relaxed. In this instance, it is not considered that the loss of a car parking space would be reasonable to warrant refusal of this application.

6.5 Other Material Considerations

- 6.5.1 In support of this application, the Applicant confirmed in an email correspondence dated 10 January 2017 that the new building would be used for an office with a Manager's suite to the rear. The reason for the Manager's suite is that the guest house is in operation 24 / 7 and there has to be a manager or night staff on duty through the night and the suite is for shift work through the night where the manager has somewhere to sleep/rest between shifts.
- 6.5.2 Letters of representation were received by the Council concerning the historic wall which forms the shared boundary between the application site and Hill House / Market Hill Court. The development would be constructed to the south western side of the site between two existing structures and therefore would not have an adverse impact on the wall in question.
- 6.5.3 In terms of rainwater / surface water drainage, the Environmental Health Services has raised no objection to the proposal subject to condition to be imposed should the application be approved for the submission of surface water drainage detail to be approved prior to the commencement of development.

7 ANY RELEVANT SITE HISTORY

- **LBC/MAL/94/00136** - General renovations and internal alterations forming dining room sitting room 4 bedrooms bathroom and shower room to the front 3 storey part and formation of kitchen lobby toilet. Approved: 30.03.1994.
- **FUL/MAL/95/00782** - Proposed new garage. Approved: 05.02.1996.
- **LDP/MAL/99/00440** - Change of use of part of dwelling to bed and breakfast and internal alterations. Refused: 18.06.1999.
- **FUL/MAL/99/00531** - Change of use of part of dwelling to bed and breakfast accommodation. Withdrawn: 15.07.1999.
- **LBC/MAL/99/00532** - Change of use of part of dwelling to bed and breakfast accommodation. Withdrawn: 15.07.1999.
- **LBC/MAL/01/00013** - Proposed installation of en-suite shower room in existing first floor guest bedroom. Approved: 09.02.2001.
- **FUL/MAL/01/00345** - Proposed Iron railings down front door steps and around pavement area with gate. Approved: 12.07.2001.
- **FUL/MAL/06/00217** - Continued use as a guest house. Approved: 28.03.2006.
- **FUL/MAL/06/00833** - Erection of Conservatory. Refused: 22.09.2006.
- **LBC/MAL/06/00834** - Erection of Conservatory. Refused: 22.09.2006.
- **LBC/MAL/06/00847** - To alter and convert existing double garage. Application Withdrawn: 12.07.2006.
- **FUL/MAL/06/00849** - Change of use of ground floor lounge, dining room and conservatory to tea rooms and bistro 2 evenings a week (Friday and Saturday). Refused: 05.09.2006.
- **FUL/MAL/06/00850** - Conversion of existing double garage and first floor storage into 3 bedrooms with en-suite. Refused: 05.09.2006.

- **FUL/MAL/06/01152** - Retention of mobile home in connection with existing bed and breakfast use. Refused: 17.11.2006.
- **FUL/MAL/06/01237** - Change of use of the ground floor lounge, dining room, conservatory (subject to separate planning permission) to tea rooms. Approved: 25.01.2007.
- **FUL/MAL/06/01311** - Vehicle barrier for guest house. Refused: 26.01.2007.
- **FUL/MAL/06/01413** - Erection of conservatory. Approved: 19.02.2007.
- **LBC/MAL/06/01414** - Erection of conservatory. Approved: 19.02.2007.
- **LBC/MAL/06/01424** - En-suite shower room to ground floor bedroom using existing vents in room, no alterations to building made. Application Closed: 13.03.2007.
- **LBC/MAL/07/00216** - Alterations to kitchen, forming cupboard and lobby from new conservatory to toilets. Withdrawn: 16.04.2007.
- **LBC/MAL/07/00306** - Retrospective application for the conversion of lounge into bedroom with en-suite. Approved: 01.06.2007.
- **LBC/MAL/07/00467** - Install glazed canopy link from conservatory to rear door to gain access to toilet facility, form an opening by removing existing window to gain access to conservatory and internal alterations to kitchen. Approved: 21.06.2007.
- **CON/MAL/08/00062** - Reduce height of the flank retaining wall due to imminent collapse. Approved: 20.03.2008.
- **FUL/MAL/08/00611** - Installation of metal fence along boundary to Market Hill and erection of shed. Withdrawn: 29.07.2008.
- **FUL/MAL/08/00927** - Installation of metal fence & shed. Approved: 30.09.2008.
- **FUL/MAL/10/00162** - Proposed detached annexe. Approved: 25.06.2010.
- **NMA/MAL/11/00500** - Non material amendment following approval on application FUL/MAL/10/00162 (Proposed detached annexe) to increase thickness of fascia to 200mm. Approved 29.06.2011.
- **TCA/MAL/13/00057** - T1 Lime - pollard the trees adjacent to roadside. T2 Sycamore - remove 2 front co-dominant trunks from 1 tree and crown raise the remaining by up to 20ft. T3 Prunus - remove to ground level in the rear side car park. Approved 18.03.2013.
- **FUL/MAL/13/00163** - Install 2 No. sheds to rear of site adjoining annexe and rear fence. Refused 23.04.2013.
- **FUL/MAL/13/01153** - Install 2 No. sheds to rear of site adjoining annexe and rear fence. Approved 21.02.2014.
- **FUL/MAL/14/01130** - Erection of shed – Approved 23.12.14
- **LBC/MAL/15/01162** - Extend existing conservatory to match existing with new timber pitched glazed roof to match existing. Internal alterations to decrease size of kitchen to form new bedroom, office. conservatory - Approved 23.12.2015
- **FUL/MAL/15/01161** - Extend existing conservatory to match existing with new timber pitched glazed roof to match existing. Internal alterations to decrease size of kitchen to form new bedroom, office. –Approved – 23.12.2015

- **FUL/MAL/15/01173** - To construct a two storey annexe comprising of two ground floor bedrooms and two first floor bedrooms to serve The Limes Guest House. – Refused -22.12.2016. Dismissed on Appeal: 4 October 2016
- **LBC/MAL/15/01174** - To construct a two storey annexe comprising of two ground floor bedrooms and two first floor bedrooms to serve The Limes Guest House. –Refused 22.12.2015
- **FUL/MAL/16/00898** - To extend existing conservatory by building new glazed roof over existing within timber rafters to new wall / windows / doors, all to match existing. Approved: 25.10.2016
- **LBC/MAL/16/00899** - To extend existing conservatory by building new glazed roof over existing within timber rafters to new wall / windows / doors, all to match existing. Approved: 25.10.2016.

8 **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

8.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object. Overdevelopment of the site	Noted in Paragraph 6.2.2 of the report

8.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to informative	Noted in Paragraph 6.4.2 of the report

8.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Designer	The site would not impact on the Maldon and Heybridge Central Area - No comments to make on the proposal	Noted in Paragraph 6.2.5 of the report
Environmental Health Services	No objection subject to conditions and informative	Noted in Paragraph 6.5.3 of the report
Tree Officer	No objection subject to conditions	Noted in Section 9 of the report (Condition 5)
Conservation Officer	No objections	Noted in Paragraph 6.2.4 of the report

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Hill House Park (Freehold) Ltd, 5 Hill House, Hill House Park, Maldon, Essex
- Mr and Mrs J Salisbury, 4 Hill House Mews, Maldon, Essex
- Stan Staines, 2 Hill House Mews, Maldon, Essex
- David Pickles, 5 Hill House Mews, Maldon, Essex

Objection Comment	Officer Response
Hill House and The Limes are listed building in the Maldon Conservation Area	Noted in report - Paragraph 4.1.1
The development would not enhance or preserve the conservation area	Noted in report - Paragraph 6.2.4
The development would reduce the number off-street parking on site	Noted in report - Paragraph 6.4.3
Issue regarding the site level and the collapse of the boundary wall between the application site and Hill House	Noted in report - Paragraph 6.5.2
Surface Water / soak-away on site	Noted in report - Paragraph 6.5.3

9 **PROPOSED CONDITIONS**

FUL/MAL/16/01496

- 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) of The Town & Country Planning 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 complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the external materials to be used in the construction of the development would be appropriate for the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.
- 4 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the

requirements of BS 5837:2005 in relation to tree retention and protection as follows:

- Tree report detailing retained trees and works required;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural impact assessment;
- Arboricultural method statement (including drainage service runs, construction of foundations and hard surfaces).

REASON: To protect the visual amenity of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan.

- 5 No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS 5837:2005, and ground protection been erected details of which shall have been submitted to the local planning authority for written approval. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To protect the visual amenity of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

- 6 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

REASON: To ensure appropriate surface water drainage scheme is available for the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

INFORMATIVES

This planning application FUL/MAL/16/01497 should be read in conjunction with Listed Building Consent LBC/MAL/16/01497

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.
- The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU
- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;

- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 2 The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, we have seen more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar. Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturated soils.

LBC/MAL/16/01497

- 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 in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
REASON: To ensure the external materials to be used in the construction of the development would be appropriate for the area in accordance with policies BE13 and BE16 of the Maldon District Replacement Local Plan, policy D3 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

INFORMATIVES

This Listed Building Consent LBC/MAL/16/01497 should be read in conjunction with planning application FUL/MAL/16/01496.