



**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
31 MAY 2017

Application Number	FUL/MAL/ 17/00449
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	Resubmission of planning application FUL/MAL/16/01496 following a recent refusal to construct a single storey extension to the existing annexe.
Applicant	Mr James Mann
Agent	Mr Mark Morgan - Petro Designs Limited
Date Valid	26 April 2017
Target Decision Date	21 June 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Town Council	MALDON NORTH
Reason for Referral to the Committee / Council	Previous Committee Decision

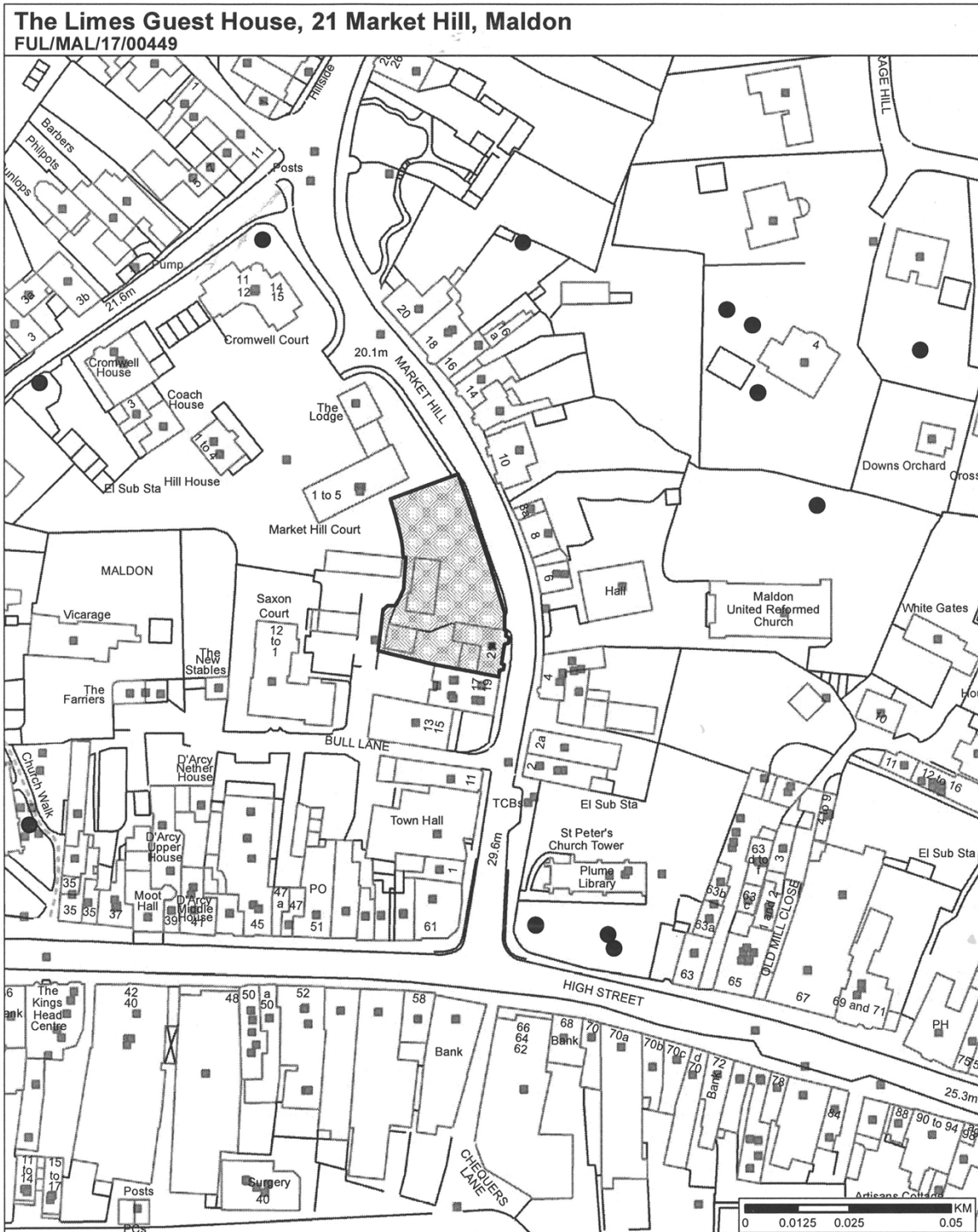
Application Number	LBC/MAL/17/00450
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	Resubmission of Listed Building Consent LBC/MAL/16/01497 following a recent refusal to construct a single storey extension to the existing annexe.
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1. RECOMMENDATION

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

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

2. SITE MAP



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00449
	Date:	18/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 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 close boarded timber fence of approximately 1.7 metres in height.
- 3.1.2 The application 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 (23 December 2014).
- 3.1.3 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 for the manager on site. The planning application and Listed Building Consent are both resubmissions following the refusal of LBC/MAL/16/01496 and FUL/MAL/16/01497. The reasons for refusal are set below:-

LBC/MAL/16/01496

‘The development proposal would result in overdevelopment of site and affecting the setting of the listed building contrary to policy BE16 of the Maldon District Replacement Local Plan, policy D3 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework’.

FUL/MAL/16/01497

‘The development proposal would result in overdevelopment of site contrary to policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework’.

- 3.1.4 The single storey building would be an ‘L-shaped’ structure measuring approximately 5.7 metres deep, 3.1 metres wide with a height of 4.4 metres to ridge level. At the rear there is an inset in the building’s footprint to accommodate a tree growing close to the site boundary. It is proposed that the building 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 annex building.

3.2 Conclusion

- 3.2.1 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. The development would accord 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.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

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

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1, BE13, BE16, T8

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

- S1, D1, D3, E5, T2

4.4 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is for the construction of a new building for a manager to be present on site 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 and the National Planning Policy Framework where it supports developments that widen the viability and vitality of 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 material consideration when determining this planning application (Planning reference: FUL/MAL/14/01130 (23 December 2014)).

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy BE1 of the adopted local plan and policy D1 of the Local Development Plan (LDP) 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.

- 5.2.2 The proposed development would be positioned to the south west of the site between the annex and “garage”. The building would now have a footprint of approximately 15.5 square metres, approximately 11 square metres smaller than the previously refused scheme where the footprint of the building was 26.5 square metres (FUL/MAL/16/01496). The footprint of the building would be exactly the same as the building as previously approved under application FUL/MAL/14/01130 with the exception of the design of the development where full length windows are proposed on the front and side elevation of the building. Other changes also include the quality of the external materials to be used and the height of the development where it has increased by 1.1 metres from approximately 3.3 metres to 4.4 metres.
- 5.2.3 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” building. 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.
- 5.2.4 In this revised scheme, the building would be positioned to the rear and approximately 8 metres away from the listed building and has also been designed to avoid the removal of an existing tree on the western boundary of the site. The Conservation Officer has been consulted and has raised no objection to the proposal as it would cause no harm to the setting or significance of the adjacent Grade II listed building and would effectively preserve the special character and appearance of the Maldon Conservation Area, in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the Local Development Plan.
- 5.2.5 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 had raised no objection to the previous scheme FUL/MAL/16/01496 as the site would not have an impact on the area. As the footprint of the building is now smaller than the previous scheme: FUL/MAL/16/01496, it is unlikely that the Urban Designer would object to the development proposal.

5.3 Impact on Residential Amenity

- 5.3.1 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.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 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.
- 5.4.3 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 available on site at The Limes Guest House. The new building which would be situated between the annex and the 'garage' building and would result in a loss of an existing disabled bay / car parking space. It is important to note that this space is not entirely lost as it has been relocated to the front of the annex and is marked as a 'drop-off' area in this current proposal.
- 5.4.4 Whilst concerns have been raised with regards 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 provision can be relaxed. In this instance, it is not considered that the loss of a car parking space and for it to be replaced by a 'drop-off' area would be reasonable to warrant refusal.

5.5 Other Material Considerations

- 5.5.1 In the previous application FUL/MAL/16/01496, 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. It is important to note that 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.
- 5.5.2 In terms of rainwater / surface water drainage, the Environmental Health Services has been consulted but no reply has been received at the time of writing this report. Whilst this is the case, it is noted that no objection was raised to the previous proposal (where the building had occupied a larger footprint) subject to conditions 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.
- 5.5.3 There are currently wooden outbuildings located to the rear of the annex building and within the car parking area. Based on the Proposed Layout Plan (Drawing No: 52A) submitted, these building would be removed to facilitate parking on site.

6. 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.
- **LBC/MAL/16/01496** - The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe. Refused: 23.03.2017

- **FUL/MAL/16/01497** - The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe. Refused: 23.03.2017.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No reply at the time of writing this report	Any comments received will be reported on the Members Update

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection	Noted in 5.4.2 of the report

7.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Designer	No reply at the time of writing this report	Any comments received will be reported on the Members Update
Environmental Health Services	No reply at the time of writing this report	Any comments received will be reported on the Members Update
Tree Officer	Comment as previous planning application	Noted. This is covered in Section 8 of the report (Conditions 4 and 5)
Conservation Officer	No objection to the proposal	Noted in Section 5.2.4 of the report
Economic Development Team	No objection to the proposal	Noted.

7.4 **Representations received from Interested Parties** (*summarised*)

- No letters of representation have been received at the time of writing this report. Any letters received will be reported on the Members Update.

8. PROPOSED CONDITIONS

FUL/MAL/17/00449

- 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

- 1 This planning application FUL/MAL/17/00449 should be read in conjunction with Listed Building Consent LBC/MAL/17/00450
- 2 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.
- 3 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/17/00450

- 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.

INFORMATIVE

This Listed Building Consent LBC/MAL/17/00450 should be read in conjunction with planning application FUL/MAL/17/00449.