



**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

Application Number	FUL/MAL/17/00798
Location	16 High Street, Maldon, Essex
Proposal	Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats.
Applicant	Mr Salisbury
Agent	Ashley Robinson
Target Decision Date	25.09.2017
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

16 High Street
Maldon FUL/MAL/17/00798



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Committee
Date:	07/09/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located towards the northern end of the High Street within an area where retail uses at ground floor level predominate.
- 3.1.2 The proposal is described as ‘Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats.’
- 3.1.3 As part of the proposal, an A1 shop unit would be retained on the property’s High Street frontage at ground floor level. A porch would be added to the rear elevation of the building. The existing rear yard area would be retained and forms part of the application site.
- 3.1.4 The application is accompanied by a biodiversity checklist and a bat survey.

3.2 Conclusion

- 3.2.1 Having assessed the proposal, it is considered that the proposed development would be acceptable in terms of the principle of the change of use, the impact on the character and appearance of the Conservation Area, the impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed residential units and parking provision. On this basis, the proposal complies with the relevant Policies of the Approved Local Development Plan (LDP).

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:

- Core Planning Principles
- Section 2 Ensuring the vitality of town centres
- Section 7 Requiring Good Design
- Section 12 Conserving and Enhancing the Historic Environment

4.2 Maldon District Approved Local Development Plan 2017:

- Policy S1 – Sustainable Development
- Policy S5 – Maldon and Heybridge Central Area
- Policy D1 - Design Quality and the Built Environment
- Policy D3 – Conservation and Heritage Assets
- Policy H4 – Effective use of Land
- Policy E2 – Retail Provision

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 These premises are not situated in the core shopping area as identified in the Local Development Plan. Whilst the existing use of the property is a restaurant, prior to this, the property was in use for office purposes. The proposal includes a retail unit at ground floor level with a retail frontage retained on the High Street elevation of the property. Whilst the retail unit would be small in size (around 16sq.m.) as a non-A1 retail use would not be lost as a result of the proposal, it is not considered that an objection to the proposal on the basis of harm to the vitality and viability of the High Street could be sustained in this case. On this basis, the proposal is not contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The application site is located in the Maldon Conservation Area. The current proposal does not include any alterations to the High Street elevation of the building but, to the rear, a small porch would be added, the fenestration pattern would be altered and an existing outbuilding would be removed. As a result of the nature, location and extent of the external changes proposed to the building, it is considered that the proposal would, at least, preserve the character and appearance of the Conservation Area, subject to conditions requiring that, contrary to the proposal as submitted, all new windows and doors are painted timber only and slate is used to cover the roof of the new porch. On the basis of the above, the proposal complies with policies D1 and D3 of the Maldon District Approved Local Development Plan. Details of means of enclosure of the rear yard area could also be required by condition.

5.3 Impact on Residential Amenity

- 5.3.1 There do not appear to be any residential properties immediately adjoining the site and the proposed use is considered to be appropriate to the mixed character of this commercial area. As a result of the nature of the proposal and the limited extent of physical changes to the exterior of the building, it is considered that the development would not have an adverse impact on the amenity of any adjacent neighbours by way of privacy, loss of outlook, loss of daylight or loss of sunlight. The proposal is, therefore, compliant with Policy D1 of the Maldon District Approved Local Development Plan.

5.4 Access, Parking and Highway Safety

- 5.4.1 There would be no off-street parking provision as part of the development. The lawful use of the whole of the existing building is as a restaurant. The proposal would convert the building into three residential flats and one retail unit. The Maldon Vehicle Parking Standards allow for residential units within the town centre to be provided with no off street parking spaces and the flats proposed would be small (only

being one bedroom units). The Highways Officer also raises no objection to the proposal. Given the number and size of residential units proposed and the existing use of the property, no objection is raised to the proposal on the basis of a lack of off-street parking provision, in compliance with Policy D1 of the Maldon District Approved Local Development Plan.

5.5 Quality of Life

- 5.5.1 The occupiers of the proposed flats would have access to an existing rear yard area (measuring a maximum of around 11m x 8.5m) which would provide external amenity space for the new residents. There would not be any off-street parking provided as part of the development but it is not considered, given the town centre location of the site, that this would result in an unacceptable quality of life for the occupiers of the proposed flats.
- 5.5.2 With reference to the floor space of the flats proposed, the flats would each accommodate between around 34 and 38sq.m. The proposed flats would be small. However, this local planning authority has not adopted the National Space Standards or other policies or design guidance which would justify a refusal of planning permission on the basis of the limited floorspace of the flats proposed.
- 5.5.3 On the basis of the above, the proposal is not contrary to Policy D1 of the Maldon District Approved Local Development Plan.

5.6 Other Material Considerations

- 5.6.1 The application is accompanied by a biodiversity checklist and a bat survey declaration which states that there are no bats at the property. On this basis, it is not considered that biodiversity is an issue in this case.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/01/01002** - Change of use of ground and first floor offices (Class A2) to restaurant (Class A3). Approved 11.01.02.
- **FUL/MAL/01/0902** - November 2001 - change of use of first floor of 14/16 High Street into 2 self-contained flats. Approved 29.11.01.

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 refusal of this application due to the loss of commercial premises on the ground floor in the town centre.	The proposal includes a Class A1 retail unit at ground floor level fronting the High Street.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	Noted.
Essex Bat Group	No response at the date of this report	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objections subject to conditions	Noted
Environmental Health	No objections	Noted

7.4 Representations received from Interested Parties

7.4.1 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Maldon Society c/o 12 The Courtyard, Spital Road, Maldon

Supporting Comment	Officer Response
The Maldon Society supports the conversion of upper floors and rear of properties in the High Street to form small dwellings which will meet a local housing need and help to ensure properties are well maintained. Due to High Street location, requirements for parking provision and amenity space can be relaxed. May be possible to create a viable commercial property at the front on the ground floor – qualified support is given to this element of the proposal. Restaurants needing high footfall have mixed fortunes at this end of the High Street, being without access to obvious parking.	Noted.

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 91(1) of the Town and County 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 The retail floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the retail use.
REASON: In the interests of the vitality and viability of the town centre
- 4 The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the retail floorspace of that unit, a widow or widower of such a person, or surviving civil partner or any resident dependants.
REASON: In the interests of the vitality and viability of the town centre.
- 5 Notwithstanding the submitted details, the roof of the new porch hereby permitted shall be covered using natural slate only. No development shall take place until 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 protect the amenity and character of the area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.
- 6 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the occupation of the development to which it relates and retained as such thereafter.
REASON: To protect the amenity and character of the area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.
- 7 All new doors and window shall be in timber with a painted finish and shall be retained as such thereafter.
REASON: To protect the amenity and character of the area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.