



**REPORT of  
CHIEF EXECUTIVE**

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

<b>Application Number</b>	<b>FUL/MAL/17/00428</b>
<b>Location</b>	Flat At 11 - 14 The Kings Head Centre, 38 High Street, Maldon
<b>Proposal</b>	Change of use from office to 1 bedroom flat
<b>Applicant</b>	Mr. James Mann - James Mann Ltd
<b>Agent</b>	-
<b>Target Decision Date</b>	17 August 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

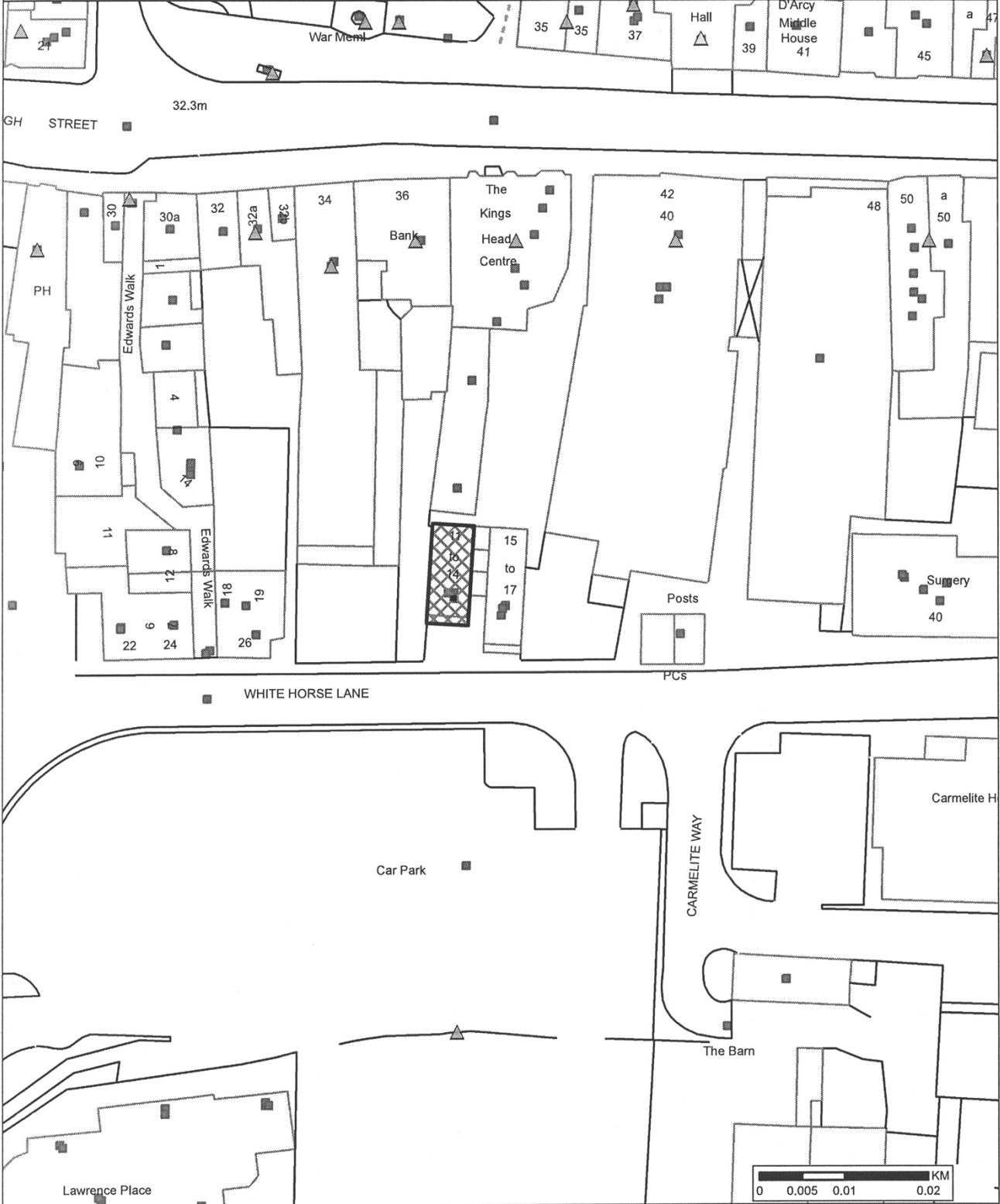
**1. RECOMMENDATION**

**APPROVE** subject to the conditions as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Flat At 11-14 The Kings Head Centre - 38 High Street**  
**Maldon FUL/MAL/17/00428**



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:625
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 part of the King's Head Centre. The King's Head Centre extends between the High Street to the north and White Horse Lane to the south and is located within the settlement boundary, the Conservation area and the Town Centre boundary of Maldon. There is a pedestrian walkway through the site with A1, A2 and A3 uses fronting it. Above ground floor level A2 and B1(a) uses prevail. The property is situated at the second floor level within the south western corner of the site. It has an exclusive pedestrian access from an alley in front of the northern elevation of this element. There is a public car park on the opposite side of White Horse Lane. The drawings indicate that the premises were last used as an office.
- 3.1.2 Planning permission is sought for the change of use of the site from Use Class B1(a); Offices to Use Class C3; Dwellinghouse. Specifically this is for a one bedroom flat.
- 3.1.3 No structural alterations are required and the unit already contains a separate bathroom, fitted kitchen corner and separate room for a bedroom.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed change of use of this small unit would not have an adverse impact on the commercial vitality and viability of the town centre. The scale of the proposed use would result in a small, town centre residential unit in a sustainable location with access to public parking and transport. Additionally, as no external works are proposed, the proposal would not harm the character and appearance the Conservation Area and it is not considered that the proposed change of use would affect the amenity of neighbouring occupiers. It is, therefore, considered that the proposed change of use is in accordance with policies S1, S8, D1, D3 and E2 of the approved Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

### **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:**

- 14, 49 and 59

#### **4.2 Maldon District Local Development Plan:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E2 Retail Provision

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

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Relevant Planning History**

- 5.1.1 The building that comprises the application site forms part of a development known as Edwards Walk which includes retail units at ground floor level with a pedestrian walkway and a mix of small, first and second floor office and residential units. The unit subject of this report was originally designed and built as an office but subsequently permission was granted for residential use which was implemented. This was then superseded by a further application for change of use to an office which was also implemented.
- 5.1.2 The current permission seeks to return the use back to residential (Use Class: C3) accommodation.

#### **5.2 Principle of Development and Change of Use of a Commercial Building**

- 5.2.1 The site is located within Maldon Town Centre and so is in a highly sustainable location close to shops, employment opportunities, medical and public transport facilities and the High Street is identified as a core shopping frontage. However, the property is at second floor level and effectively looks out onto White Horse Lane which is not a core shopping frontage.
- 5.2.2 Policy E1 within the LDP supports economic growth within the District and encourages employment generating developments to support long term growth. Proposals which cause the loss of existing employment uses whether the sites are designated or undesignated will only be considered if the relevant criterion are met.
- 5.2.3 The relevant criterion are as follows:
- The present use and activity significantly harms the character and amenity of the area, or
  - The site would have a greater benefit to the community if an alternative use were permitted, or
  - Effective marketing at a commercial rate has been undertaken and it is demonstrated that the continuous use of the site for employment purposes is no longer viable taking into account the site's existing and long term market demand and potential.
- 5.2.4 These criterion are similar to that required by the previous adopted Replacement Local Plan and the direction of travel remains constant in the now approved LDP. However, whilst no significant detrimental impact is considered to result from the commercial use of the premises and no supporting information has been submitted in

terms of marketing or lack of commercial interest in the unit, the previous planning history of this particular site is considered to be of relevance in this instance.

- 5.2.5 Within the two previous applications (referenced in a subsequent section of this report), the change of use between residential and commercial use was considered acceptable and as previously stated, whilst it is acknowledged that since that time, the local planning authority is in receipt of the approved LDP there are very limited differences between the previous proposals for change of use to that of residential accommodation to that subject of this report.
- 5.2.6 Furthermore, the Government has now made provision for change of use of such units to that of residential accommodation through the prior approval route. Though a cursory assessment of the criterion for that provision, it is considered likely that such an application would meet the requirements. This is considered to be a fallback position that is a material consideration when determining this application.
- 5.2.7 Therefore, taking into account the site specific constraints, local policy and Government provision and the very individual circumstances of the history of this specific unit, it is considered on balance that approval should be recommended.

### **5.3 Scale, Design and Impact on the Character of the Area**

- 5.3.1 There would be no external change to the existing building on the site and it is not considered that a change of use would result in significant impact upon the character and appearance of the local area.
- 5.3.2 No physical alterations are proposed as part of the change of use. Therefore, the change of use is not considered to cause any harm to the significance or special character of the building or the Conservation Area.
- 5.3.3 As such, the proposed change of use would be compliant with policy D1 of the approved LDP and of the NPPF.

### **5.4 Effect on amenity of neighbouring occupiers**

- 5.4.1 Given the existing use of the site as B1(a) Use and its small scale, no significant impact is considered to result from the use of the unit for residential accommodation. Furthermore, the nearest adjacent commercial unit is below the unit.
- 5.4.2 The development is therefore considered to be in accordance with the stipulations of policy D1 of the LDP.

### **5.5 Access, Parking and Highway Safety**

- 5.5.1 In order to be considered acceptable, development must comply with approved policy T2 which ensures the provision of off-street parking is in line with adopted vehicle parking standards. Whilst there would be no parking provision, the site would meet the requirements of the Maldon District Adopted Vehicle Parking Standards for Use Class C3 which states that, for the conversion of upper storeys above commercial premises to residential flats, these may be permitted with no vehicle parking. As residential use has previously been permitted and it is a town centre location within

close proximity to public services and facilities, the lack of a designated parking space is considered acceptable in this instance.

5.5.2 The scheme is therefore considered to meet the criteria of approved LDP policy T2.

## 5.6 Other Considerations

5.6.1 It is noted that the Town Council and the Council's Economic Development service have objected to the proposal as they consider the application would lead to the loss of a town centre commercial unit. However, when considering the small size and scale of the unit and its manifold planning history of both commercial and residential use, a refusal on the loss of commercial provision is not considered to warrant a reason for refusal or to be sustainable on appeal in this instance.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00561** - Change of use from office to a 1 bedroom flat. Approved 31 October 2014.
- **FUL/MAL/15/01054** - Changing the use from residential to business, no changes to any of the structure. Approved 07 December 2015.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object.  On the potential loss of commercial premises in the High Street.	The comments of the Town Council are noted and have been addressed in the report.

### 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Economic Development	Object as the conversion would reduce the opportunity and demand for office space and therefore a negative impact on the economic growth in the Maldon District.	The comments of the Economic Development Team are noted and have been addressed in the report.

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>No Objection.</p> <p>The change of use would cause no harm to the significance or character and appearance of the Conservation Area.</p>	The comments of the Conservation Officer are noted.

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

7.3.1 No representations 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 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with drawings referenced; **Location Plan** and **0515 12A** which are specifically referenced on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with the National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.