
Appeal Decision

Site visit made on 5 December 2016

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 January 2017

Appeal Ref: APP/X1545/W/16/3153893

All Saints Church of England Primary School, London Road, Maldon CM9 6HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chelmsford Diocesan Board of Finance against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/00279, dated 10 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking at All Saints Church of England Primary School, London Road, Maldon CM9 6HE in accordance with the terms of the application, Ref FUL/MAL/16/00279, dated 3 March 2016, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers of the development with respect to external amenity space provision.

Reasons

4. The former school is a Grade II listed building within the Maldon Conservation Area. The conversion would create a mix of three 1-bedroom and five 2-bedroom units.
 5. With the proposal five units would have access to defined private amenity spaces within the central courtyard area of the building, with a total area of around 101sqm. The appellant adds to this figure the area of 134sqm of a designated communal amenity space at the rear of the building, giving a total of 235sqm of amenity space. On the basis of a resultant average of 29.4sqm
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per unit, the appellant argues that this meets the requirement of policy H8 of the Maldon District Replacement Local Plan 2005 which deals with conversion of dwellings and other buildings to flats. The policy requires a minimum of 25sqm of amenity space per flat except within defined town centres including of Maldon, and does not exclude the scope for communal space to be part of this provision.

6. The Council contends that the proposed units do not comprise flats having regard to the definition of these in the Town and Country Planning (General Permitted Development) (England) Order 2015 and the lack of horizontal division in the scheme layout. Nevertheless the units would be of an apartment-style with multiple shared dividing walls and communal areas within the single site. In this context the standard contained in policy H8 is of assistance. I do not find the Council's suggestion provision of garden space of 50sqm for 2-bedroom units and 25sqm for 1-bedroom units (giving a total of 325sqm of private amenity space), which it bases on the standard of the Essex Design Guide on gardens, to be a definitive requirement in this case.
7. In this regard the Council acknowledges that there is a need to apply judgement on whether an adequate amount space would be provided and in drawing distinctions between different parts of the space in terms of usability. The proposed rear communal space, indicated to contain a grassed area, seating and washing lines, would provide a useable shared facility within a secluded part of the site. The scheme in addition would provide around a further 600sqm of amenity space distributed on all sides of the building. The attractiveness and capacity of some of this space for quieter recreational use would be limited by the proximity of parking and highway uses and the need to accommodate boundary screening and its landscaping functions. Nevertheless, it would provide a reasonably extensive and varied range of external spaces that would be available for use by the residents of the development.
8. A further consideration is that there is no dispute that the proposal represents an appropriate re-use for the redundant building, which would safeguard the significance of the designated heritage assets. Listed building consent has been granted for the scheme by the Council (ref 16/00280/LBC dated 7 June 2016). In the context also of evidence of local need for small residential units regardless of the District's current five-year housing land supply position, and the convenience of the location for the facilities and services of the town centre despite that the site does not lie within its defined boundary, the residential provision of the scheme is to be welcomed.
9. It is possible that the proposed 2-bedroom units, including the two without allocated private space within the courtyard, could be occupied by families with young children. However, taken overall I consider that the external amenity space within the development would not be unduly contrived and restricted, and the scheme strikes a satisfactory balance between heritage objectives, new housing provision and living conditions. Part f) of policy BE1 on design expects amenity space to be provided appropriate to the type of development. That would be achieved. Policy D1 of the emerging Local Development Plan takes a similar approach. Overall it can be concluded that the scheme complies with the development plan as a whole.
10. There is no disagreement regarding the suggested conditions, which I have imposed with minor changes to wording. A condition specifying the relevant

drawings provides for certainty. Requirements relating to materials, boundary treatment, landscaping and illumination are needed to secure a satisfactory appearance that safeguards the building and Conservation Area and local amenity. Conditions on parking, bicycle storage, surface and foul drainage, and refuse storage are necessary to ensure appropriate provision within the site and protect amenity. Provision of communal amenity space in accordance with the plans should be made as part of meeting the amenity needs of future residents.

11. For the reasons given above I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: un-numbered location plan; DFCP 3074 TPP A; PR012/01 F; 2845.04 C; 2845.02 A; 2845.01; 2845.03 E; 2845.A01 A.
- 3) No development shall take place until samples and details of the 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. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development hereby permitted and be retained as such thereafter.
- 5) Prior to the first occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 6) No development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby permitted unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within

a period of five years from the date of planting, any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 7) The communal garden amenity areas as shown on the approved plan drawing number 2845.A01 A shall be implemented, laid out and available for use as amenity space for the occupants of all the residential units hereby permitted prior to the first occupation of the development and retained for such purposes thereafter.
- 8) 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 development shall be carried out in accordance with the agreed scheme prior to the first occupation of the development.
- 9) Prior to the commencement of the development details of the foul 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.
- 10) No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be installed only in accordance with the approved details and retained as such thereafter.
- 11) Prior to the first occupation of the residential units hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and the storage provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 12) Prior to the commencement of the development hereby permitted details of the number, location and design of bicycle storage facilities shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and the facilities provided prior to the first occupation of the development and retained for such purposes at all times thereafter.