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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

05 November 2019

Dear Councillor,

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 13 NOVEMBER 2019 at 7.30 pm.**

in the Council Chamber, Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor M S Heard

VICE-CHAIRMAN

Councillor S P Nunn

COUNCILLORS

Miss A M Beale
M R Edwards
B E Harker
K M H Lagan
C Mayes
C Morris
N G F Shaughnessy
Mrs J C Stilts
C Swain

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 13 NOVEMBER 2019

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 24 July 2019, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **FUL/MAL/19/00730 - The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED**
(Pages 11 - 20)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

6. **ADV/MAL/19/00935 - 102B High Street, Maldon, Essex, CM9 5ET** (Pages 21 - 28)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

7. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

8. **Enforcement Update** (Pages 29 - 74)

To note the report of the Head of Paid Services, (copy enclosed).

9. **Any other items of business that the Chairman of the Committee decides are urgent**

Reports for noting:

In accordance with the Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 6.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

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Health and Safety

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Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third-party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
24 JULY 2019**

PRESENT

Chairman	Councillor M S Heard
Councillors	Miss A M Beale, M R Edwards, B E Harker, C Mayes, C Morris, N G F Shaughnessy, Mrs J C Stilts and C Swain
Ex-Officio Non-Voting Member	Councillor(s) Mrs P A Channer, CC

278. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

279. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S N Nunn and K M H Lagan.

280. MINUTES OF THE LAST MEETING

Minute No. 193 - FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon

Councillor C Morris disagreed with Minute 193 - FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon, as there had not been sufficient time allowed for his proposal to be seconded.

The Chairman advised that the item had been recorded accurately, but Councillor Morris's comments would be noted.

RESOLVED

- (i) that subject to the above amendment the Minutes of the meeting of the Committee held on 26 June 2019 be confirmed.

281. DISCLOSURE OF INTEREST

Councillor C Morris declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00044 - The Old Ship, Lock Hill, Heybridge Basin, Essex, as he had occasionally frequented the premises as a customer.

Councillor P A Channer declared a non-pecuniary interest in all items on the agenda as she was a member of Essex County Council, a consultee on planning application matters with respect generally, to highways, matters of access and education primarily.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 6, HOUSE/MAL/19/00688 - 94 Dorset Road, Maldon, as he had previously been contacted by the Applicant and discussed the process within the Chamber, but not the application.

282. FUL/MAL/19/00044 - THE OLD SHIP, LOCK HILL, HEYBRIDGE BASIN, ESSEX

Application Number	FUL/MAL/19/00044
Location	The Old Ship, Lock Hill, Heybridge Basin, Essex
Proposal	Section 73A application for change of use of the grassed area to the front of the pub to an amenity area
Applicant	Mrs D Cooper
Target Decision Date	26 th July 2019
Case Officer	Nicola Ward
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In Councillor B E Harker – The visual impact on the character of the Conservation Area

The Officer presented their report to the Committee, noting the Members' Update which advised that the Parish Council had, at time of going to print, made no comment regarding the application.

Following the Officer's presentation, Mr David Brock, an Objector, Councillor Miriam Lewis, representing Heybridge Parish Council, and Mr Tony Cooper, on behalf of the Applicant, addressed the Committee.

Councillor B E Harker opened the discussions, making comment on how the prospective benches situated in front of the neighbouring cottages would be intrusive, the proximity would be harmful to their amenities and that the application contradicted Section 22 of the Building and Conservation Act 1990 as the cottages were considered a local heritage asset. Councillor Harker then proposed that the application was refused, contrary to the officer's recommendation, for the aforementioned reasons, and this was duly seconded.

The subsequent discussion raised queries as to whether the Village Design Statement had been considered and whether the Conservation Officer had provided any comments.

In response to questions from the Committee, the Lead Specialist Place confirmed that, as the benches were to be a static feature, they required planning permission and if the

terrain they were sited on was to be converted to hard standing a separate application would be required.

Councillor C Morris proposed that the application be approved in accordance with the officer's recommendation, as there was a business need to provide additional seating and were the benches removed of an evening no planning permission would be required. This was duly seconded.

Members reviewed the application with consideration made to comments provided by Conservation Officer, which had not been included in the table at Section 7 of the report. The Lead Specialist Place advised that the report could contain errors where this information had previously been omitted. In light of this, Councillor M S Heard proposed that the application be deferred to allow Officers the opportunity to review the report with the inclusion of the Conservation Officer's comments as this could change the Officer's recommendation. This was duly seconded.

Councillor M S Heard put the initial proposal of refusal, contrary to the Officer's recommendation, to the Committee, and upon a vote being taken the application was refused.

RESOLVED that the application be **REFUSED** for the following reason:

The change of use of the grass area to the front of The Old Ship Public House and No.1, 2 and 3 Lock Hill harms the appearance and character of the conservation area, which is a local heritage asset and will have a detrimental impact on the amenities of the residents of No.1, 2 and 3 Lock Hill and therefore the proposal is in conflict with policies D1, D3 and H4 of the Maldon District Local Development Plan and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

283. HOUSE/MAL/19/00688 - 94 DORSET ROAD, MALDON

Application Number	HOUSE/MAL/19/00688
Location	94 Dorset Road, Maldon
Proposal	Part garage conversion, single storey rear extension, first floor side and 2 storey rear extension, material alterations, front canopy/roof alterations and extend existing hardstanding.
Applicant	Mr & Mrs M. Wallis
Agent	Miss Andrea Savill – Athena Architectural Services
Target Decision Date	12.08.2019
Case Officer	Louise Staplehurst
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In Councillor M S Heard – In the public interest

The Officer presented their report to the Committee, making reference to the Members' Update which provided confirmation that no amendments had been made when compared to the previous application, that a supporting statement had been received, and additional information on the design and impact on the character of the area was

provided. It was noted that a further representation had been received from Maldon Town Council who recommended approval of the application.

Following the Officer's presentation, Councillor Andrew Lay, representing Maldon Town Council, and Mrs Nina Wallis, the Applicant, addressed the Committee.

Councillor F G S Shaughnessy opened the discussion, acknowledging that the application had mirrored the design of the neighbouring property in compliment to the streetscene. Councillor Shaughnessy then made a proposal that the application be approved, contrary to the Officer's recommendation, and this was duly seconded.

The Committee discussed the scale and bulk of the proposed extension, exploring whether there would be a loss of amenities to neighbouring properties and noting that a previous application had been deferred to Officers for decision.

The Chairman put the proposal of approval, contrary to the Officer's recommendation, to the Committee, and upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** subject to the following 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) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: AT-1113 003, AT-1113 001, AT-1113 002 Rev D
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The materials used in the development hereby approved shall be as set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 8:35 pm.

M S HEARD
CHAIRMAN



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
13 NOVEMBER 2019**

Application Number	FUL/MAL/19/00730
Location	The Queen Victoria Public House, Spital Road, Maldon
Proposal	Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision.
Applicant	Mr John Hubbard
Agent	Mr Matthew Chorley - Alderton Associates
Target Decision Date	15.11.2019
Case Officer	Nicola Ward
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor C Mayes Public interest, an increase in parking provision, provision of disabled parking and access through the venue site, and local amenity value.

1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

The Queen Victoria, Spital Road 19/00730/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	t
	Date:	01/11/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for a single storey side and rear extension including a glazed lantern over the rear element, a first-floor rear extension and alterations to the front boundary treatments and parking provisions. The single storey rear extension measures 12m in width, 7m in depth with and overall including the lantern of 3.6m. The single storey side extension measures 2.7m in width 18.5m in depth with an overall height of 3.5m. The first-floor element will project 3.1 metres to the rear of the two storey part of the building and will measure 4.3 metres wide. The proposed boundary treatments consist of a 1m high post and rail fence to the front of the site.

3.2 Conclusion

- 3.2.1 The proposed development provides 10 off-street parking space which is a deficit of 20 off-street parking space required by the Council's adopted Vehicle Parking Standards SPD. This deficit is considered to result in an excessive and inconsiderate level of on street parking to the detriment of highway safety and free flow of traffic. The proposal is therefore, considered to conflict with policies D1 and T2 of the adopted Maldon District Local Plan, The Council's adopted Vehicle Parking Standards SPD and the stipulations of 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 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- E3 Community Services and Facilities
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending and altering a building in relation to an existing lawful use of a site is considered acceptable and in accordance with policies S1 and D1 of the Maldon District Local Development Plan (LDP).
- 5.1.2 A public house would also be considered a community facility. Policy E3 of the Maldon District LDP aims to retain and enhance the provision of community services and facilities. This policy also states that ‘development proposals and other measures which help to improve the provision of, and accessibility to, community services and facilities in a local area will be encouraged, including the modernisation and expansion of existing services. Therefore, the principle of altering the existing building is also considered to be in accordance with policy E3 of the Maldon District LDP.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution including, in terms of:-

1. Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 2. Height, size, scale, form, massing and proportion;
 3. Landscape setting, townscape setting and skylines;
 4. Layout, orientation, and density.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The proposed single storey extension would be located to the south west and north west of the existing building on the site and will provide an indoor dining area. The proposal will include a small first floor element, extending the size of the kitchen within the first floor flat.
- 5.2.6 The proposed extension would project 3 metres from the side elevation of the existing building and would project 18.6 metres in total, down the side and to the rear, built level with the existing furthest rear elevation. It will incorporate the existing store rooms which are attached to the building to the rear and will act as an infill to the rear section of the building. It will include a glazed lantern roof. The first-floor element will project 3.1 metres to the rear of the two storey part of the building and will measure 4.3 metres wide, providing a larger kitchen within the first floor flat.
- 5.2.7 Due to the open nature of the side of the plot, where the car park is located, the side and rear of the extension would be visible from views along Spital Road. However, the majority of the proposed extensions are to be single storey with an overall height of 3.6m, would be set back from the principal elevation of the building, and, therefore, the proposed single storey extensions are not be considered to dominate the host building as they are considered to be a subservient additions, which are in proportion to the building on the site.
- 5.2.8 The first-floor element is not considered to be a large addition in relation to the host building. Due to its location to the rear, it will be visible from the side of the building and from within the site itself; however, it will not have a significant impact on the visual amenity of the wider streetscene.
- 5.2.9 The proposed boundary treatments consist of a post and rail fence to the front of the site, adjacent to the road, separating the site from the footpath boundary. In terms of design, this boundary treatment would be approximately 1m in height and is not considered to be of a significant height and is open in nature and therefore this part of the proposal to have a detrimental impact on the visual amenity of the site or surrounding area.
- 5.2.10 The proposed extensions and alterations to the boundaries are not considered to be unduly prominent features within the streetscene. The materials proposed are to match that of the existing building and therefore, the proposed development is not considered to result in a detrimental impact on the host building or the character and appearance of the local area therefore the proposed development is in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). Furthermore, policy D2 Of the LDP aims to minimising all forms of possible environmental impacts including noise and light. Ensuring a ‘balance’ between the incorporation of sustainability measures and the impacts of such measures on the deliverability and viability of new development projects. This echo’s the guidance contained within the NPPF.
- 5.3.2 There are residential dwellings surrounding the site, with flats located close to the north west, south west and north east of the building on the site. The proposed development includes provisions for a first-floor extension to the rear of the premises to enlarge the existing kitchen area that serves the private quarters. There are no windows proposed within east elevation of the first-floor element and would be sited 6.5m from the neighbouring residential flats located to the north east of the application site. Whilst it is noted that one window is proposed within the south west elevation this would be sited approximately 25m from the neighbouring boundary of 86 Spital Road. Therefore, it is considered that due to the distance the proposed first floor extension would not result in an adverse effect on the neighbouring occupiers by way of overlook, loss of light or overbearing.
- 5.3.3 The proposed single storey side and rear extensions would have an overall height of 36.m, including the proposed glazed roof lantern within the rear element. No windows are proposed within the east elevation and bi-fold doors are proposed within the west elevation that affronts the parking area of the application site. As a result of the size, height and position of the single storey extensions proposed, it is not considered that the single storey element will result in an unacceptable impact upon the residential amenity of neighbouring occupiers in terms of loss of light, privacy or outlook.
- 5.3.4 The proposal will increase the amount of seating within the extension to the rear. It is noted that there is an existing outdoor seating area to the west of the building on the site.
- 5.3.5 The Council’s Environmental Health team have been consulted and have raised concerns over the additional rear dining area with a fully opening patio door, in regards to increased noise levels impacting on the neighbours to the rear stating the following:

‘This Service was consulted at pre-application stage and for completeness I copy the response below: ‘This Service has reservations with regard to this application. The large extension to the rear as a dining area with a fully opening patio door raises the potential for noise disturbance to the noise sensitive dwellings to the rear of the site. Any application should be accompanied by a noise impact assessment. Detail should be provided of any external plant or machinery required by the development and this should be considered in the noise impact assessment.’

The applicant has not submitted a noise impact assessment, should you be minded to grant planning permission It is recommended that the following conditions and informatives are applied.

CONDITIONS

1 *No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.*

Reason: In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy E7 of the adopted Maldon District Replacement Local Plan.

2 *There shall be no amplified sound used within the premises unless otherwise agreed in writing by the local planning authority.'*

5.3.6 Whilst a noise impact assessment, including details of any external plant or machinery has not been submitted as part of the submission, it is considered that subject to the relevant conditions being imposed the development would not result in an adverse effect on the amenity of the neighbouring occupiers by way of noise. This is because the site is already in use and it is not considered unlikely that any harm could be mitigated through a reasonable approach.

5.4 Access, Parking and Highway Safety

5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

5.4.3 The adopted Vehicle Parking Standards require a parking bay to measure 2.9 metres wide and 5.5 metres deep. The plans appear to show the parking spaces measuring 2.4 metres wide and 4.8 metres deep and therefore these parking spaces do not meet the required standards. Furthermore, some concern is raised in relation to the space available between the two lines of parking spaces.

- 5.4.4 The flat at first floor level has two bedrooms and should therefore, be served by 2 parking spaces. The use of the site as a public house requires the site to have 1 parking space per 5 square metres of useable public space.
- 5.4.5 Due to the area of the existing pub (80sqm), the parking standards require there should currently be 16 parking spaces for the pub, resulting in 18 spaces in total including the flat. Due to the total area of the pub inclusive of the proposed extension (140sqm), the parking standards would require 28 spaces for the pub, therefore requiring 30 spaces in total including the flat.
- 5.4.6 The submitted plans show 10 parking spaces proposed at the site, including the provision for one disable space and an area located for cycle shelter with can accommodate up to 8 bicycles. However, as discussed above some concern is raised to the quality of this offer.
- 5.4.7 When there would be a shortfall of parking at the site, when assessed against the standards, the parking standards state that the standards may be relaxed where other material considerations are taken into account such as the availability of alternative parking facilities, other viable modes of transport and design issues including the physical constraints of the site. The site is located on the edge of the town centre in close proximity to residential street. Whilst it is noted that the town centre is serviced by a number of car parks these are around a 10 minute walk away and there is a fee to use them even at evenings. The surrounding streets are unrestricted and much closer vicinity. It therefore considered that these streets would be used as a first choice for parking of cars by patrons of the public house due to convenience, distance and cost. The additional car parking on the street is likely to result in a detrimental impact on highways safety and the free flow of traffic.
- 5.4.8 As highlighted above, the LDP and the NPPF recognise the detrimental impacts caused by unacceptable noise and aim to ensure that new development does not have a detrimental impact on the amenity of surrounding residents. As discussed above taking into account the town centre location it is considered that the development would create a significant increase in noise, disturbance or general activities at the application site. However, this does not take into account any impact caused by the shortfall in car parking and the resultant increase in off-site car parking in the surrounding roads; many of which are residential in nature. The sound generated from people talking, car doors opening and closing, and vehicular movements can generally be absorbed when ambient noise levels are high. However, they can be very apparent in quieter areas and during quieter periods such as evenings and weekends. It is considered that substandard shortfall in on-site parking is likely to cause a detrimental impact upon the amenity of the surrounding residents through noise and disturbance by customers leaving the premises.
- 5.4.9 It is considered that the deficient of 20 off-street parking spaces would result an unacceptable level of reduced off-street parking to the detriment of highway safety and free flow of traffic. The proposal is therefore, considered to conflict with policies T2 and D1 of the LDP and the guidance contained within the Councils adopted SDP. Furthermore, the nature of the use and increase in off site parking in residential areas is to have a detrimental impact on the amenity of adjoining residents.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/90/00647** - Boiler house with brick flue and new window at first floor level to side elevation – Approved
- **FUL/MAL/94/00076** - Extensions and alterations – Approved

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 approval	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No Objection subject to conditions.	Noted and discussed within section 5.4 of the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection subject to conditions mitigating any detrimental impact on the neighbouring properties	Noted and discussed with section 5.3 of the report.

7.4 Representations received from Interested Parties

- 7.4.1** **14** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
<ol style="list-style-type: none">1. Parking sufficient given the distance to the High Street;2. The Council should discourage car use and persuade people to use public transport, cycle or walk;3. Provisions have been made for cycle stores which encourages more people to cycle;4. Do not understand why 30 more spaces are required;	<p>1-11 – Comments relating the parking provisions have been noted and are discussed with section 5.4 of the report;</p> <p>12 – 17 – Noted.</p>

Supporting Comment	Officer Response
5. Bus stops are close to the application site; 6. White Horse car park is within easy reach; 7. Most customers are within walking distance; 8. People who drive to the public house car share; 9. Good taxi services are available; 10. Other public Houses area the Town Centre do not have offer parking facilities; 11. Rose and Crown was allowed to double in size however, no parking provisions were required; 12. The Queen Victoria is at the heart of the community; 13. Provides employment for local people; 14. Landlord runs as efficient well-run public house; 15. Convenient local public house for a considerable number of residents; 16. Closest public house to western segment of the new housing development at Limebrook Way; 17. The development is vital for the public house.	

8. **REASONS FOR REFUSAL**

Reason for Refusal:

- 1 The proposed development will result in an unacceptable level and quality of on-site car parking provision, this will result in on-street car parking to the detriment of pedestrian and highway safety and the free flow of traffic. Furthermore, customers leaving the site at unsociable hours will result in an increase in noise and disturbance to the occupiers of the surrounding residential properties therefore, contrary to adopted Maldon District Local Plan policies T2, D1 and D2 and the guidance contained within the Council's adopted Vehicle Parking Standards SPD and the NPPF.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
CENTRAL AREA PLANNING COMMITTEE
13 NOVEMBER 2019

Application Number	ADV/MAL/19/00935
Location	102B High Street, Maldon
Proposal	Application for advertisement consent for an externally illuminated fascia sign.
Applicant	Mr Robert Muca
Agent	C B S Cumbers
Target Decision Date	14.11.2019
Case Officer	Nicola Ward
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor C Mayes

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south side of the High Street sited within the Conservation Area of Maldon. The site is occupied by a single storey end of terraced building which was previously occupied by a retail outlet known as ‘The Fabric Shop’. The current use of the shop is for the sale and consumption of food and drink, although this use is unlawful and is subject of an enforcement investigation.
- 3.1.2 Advertisement consent is sought for one sign located on the front elevation. The sign is externally illuminated sign on the principal elevation facing the High Street. It comprises of a white render background with lager 3D chrome finished letters that project 40mm from the fascia. Each letter of the ‘Gelato’ wording measures 0.6m in height with a combined total width of 5.8m. Each letter of the ‘Venice’ and ‘Coffee’ wording measures 0.2m wide with a combined total height of 1.6m.
- 3.1.3 It is noted that the installation/alteration of the shop front is subject to an enforcement investigation

3.2 Conclusion

- 3.2.1 It is not considered that the size of the lettering, in particular the ‘Gelato’ lettering, respects the character of the site and detracts from the historic character of the Maldon Conservation Area. Furthermore, the modern style and chrome finish of the individual letters does not reflect the traditional character of the High Street and does not relate well to the character and appearance of the Maldon Conservation Area therefore, the signage is not in compliance with policies D1, D3 and D6 of the Maldon District Local Development Plan (LDP) and the 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 2019 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D6 Advertisements
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards SPD
- Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and on public safety.
- 5.1.2 The main policy when assessing this application is policy D6 of the adopted LDP. Policy D6 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:
1. The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;
 2. Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;
 3. Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;
 4. Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.
- 5.1.3 Paragraph 132 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that the control of advertisements should be efficient, effective and simple in operation.
- 5.1.4 Generally, the principle of displaying an advertisement sign on businesses premises is considered to be acceptable.

5.2 Design and Impact on the Character of the Area

5.2.1 In assessing the impact of visual amenity, the Local Planning Authority must assess the impact on visual and aural amenity of an advertisement. In assessing amenity, the Local Planning Authority must consider the local characteristics of the neighbourhood and whether the proposed advert is in proportion with the building it is located on and in keeping with the character and appearance of the area.

5.2.2 The application forms a re-submission of previously refused advert consent reference ADV/MAL/19/00491 the reason for refusal was:

‘The level, style and size of the signage has resulted in a cluttered and dominant advertisement that is considered to be an incongruous addition that detracts from the site and the wider character and appearance of the Conservation Area. The harm is exacerbated by the choice of materials. Therefore, the proposal does not preserve or enhance the character and appearance of the Conservation Area and is contrary to policies D1, D3 and D6 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’

5.2.3 Whilst it is noted that the arrangement of the subject lettering has been altered, the size and the modern chrome finish of the lettering has not been altered.

5.2.4 The individual letters which spell the word ‘GELATO’ are considered to be a dominant addition to the building which they are being displayed upon. The words ‘Venice’ and ‘Coffee,’ which have been altered to be displayed horizontal above and below the ‘Gelato’ lettering, are not considered to appear cramped or excessive. However, the modern style and chrome finish of the individual letters does not reflect the traditional character of the High Street and does not relate well to the character and appearance of the Maldon Conservation Area detracting from its historic character. Therefore, it is not considered that the materials, design or location of the signage respects the character and appearance of the surrounding Conservation Area.

5.2.5 It is noted that the building is a more modern addition and is not a particularly strong historical feature within the Conservation Area, but it is important to ensure that development does not detract from the special character of the Conservation Area. Unfortunately, it is considered that the modern materials and style of advertisement results in a detrimental impact on the character and appearance of the Conservation Area.

5.2.6 Whilst weight has been attributed to the comments made by the Conversation Officer, the decision to grant or refuse an advert consent application ultimately rests with the local planning authority taking into account all relevant planning considerations and not just the advice from one consultee.

5.2.7 It is considered that whilst the Conservation Officer’s comments are useful, having regard to the assessment carried out above, it is not considered that the signage respects the scale and character of the site and detracts from the historic character of the Maldon Conservation Area. For these reasons and based on the above assessment it is considered that it is reasonable for the Council to reach a differing conclusion to the Conservation Officer in this instance.

- 5.2.8 The sign is not considered to be appropriate for the area and are considered to cause demonstrable harm to the character and appearance of the Conservation Area, contrary to policies D1, D3 and D6 of the LDP.

5.3 Public and Highway Safety

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 The sign is sited on the principle elevation which affronts the highway however, the signage subject of this application is viewed in context with the other advertisements in the High Street and it is considered that the advert is located in a position which is not considered to result in the confusion or delay of passing traffic to the detriment of highway or public safety. Furthermore, the Highway Authority has not objected subject to the following condition:

'The proposed light sources shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway. Should a glare or dazzle issue to the highway be identified with the lights in use, the light should not be used until remedial action has been completed to the satisfaction of the Local Planning Authority.'

- 5.3.4 It is considered that the proposed condition is reasonable to ensure that the highway safety is maintained. Therefore, the advert is in accordance with policies D6 and T2 of the LDP

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/01160** – Replacement of shopfront – Approved
- **FUL/MAL/04/01208** - Replace shop front – Approved
- **FUL/MAL/05/00638** - Provision of coffee facility within existing retail premises to be used in conjunction with and times when existing retail use is open for business. - Application Refused – Appeal withdrawn
- **ADV/MAL/19/00491** - Application for advertisement consent for an externally illuminated fascia sign. – Refused
- **FUL/MAL/19/00492** - Section 73A application for the replacement shopfront and change of use from class A1 to use class A3 - Refused – Appeal in progress

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend Refusal	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to condition	Comments noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>I do not object to this proposal. While the materials and scale of the applied lettering does not reflect the overall traditional character of the High Street, the signage does not appear inappropriate on this clearly modern building. The overall design has a striking but high-quality appearance, which does not detract from the special character and appearance of the Maldon Conservation Area. The proposal does not, in my judgement, conflict with the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF or Policy D3 of the Maldon LDP. I therefore raise no objection to this proposal subject to the following condition should the application be approved.</p>	Comments noted and addressed in section 5.2 of this report.

7.4 Representations received from Interested Parties

7.4.1 No representations were received for this application.

8. PROPOSED REASON FOR REFUSAL

Reason for Refusal:

1. The style and size of the signage has resulted in a dominant advertisement that is considered to be an incongruous addition that detracts from the site and the wider character and appearance of the Conservation Area. The harm is exacerbated by the choice of materials. Therefore, the proposal does not preserve or enhance the character and appearance of the Conservation Area and is contrary to policies D1, D3 and D6 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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