



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
CENTRAL AREA PLANNING COMMITTEE
25 JULY 2018**

Application Number	FUL/MAL/18/00500
Location	The Cups Public House 214 Wantz Road Maldon Essex
Proposal	Demolition of the dilapidated remains of The Cups public house and its outbuildings. The erection of 6 two bedroom terraced houses with private communal parking, private rear garden space, turfed with tree planting and ground covering shrubs.
Applicant	Mr Lee Palmer
Agent	Mr Laurance Hunnaball
Target Decision Date	24.07.2018
Case Officer	Yee Cheung – 01621 876220
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Member Call In by Councillor M R Pearlman on 4 June 2018 and Councillor S J Savage on 18 June 2018 on the grounds of public interest

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Cups Public House, 214 Wantz Road, Maldon 18/00500/FUL



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Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Central Committee

Date: 13/07/2018

MSA Number: 100018588

3. SUMMARY

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

- 3.1.1 The application site comprises a two storey public house (“The Cups”) and an adjacent, single storey retail unit, together with outbuildings and open areas used for parking and the storage of vehicles. It occupies one corner, at the junction of Wantz Road and Cross Road. Two of the opposite corners are occupied by a small Co-operative convenience store and a small furniture store, respectively. Otherwise, the immediately surrounding area is predominantly residential in character.
- 3.1.2 The site lies in an easily accessible location to the High street with a bus stop located within close proximity to the site.
- 3.1.3 Planning permission is sought for the demolition of the two storey public house (“The Cups”) and an adjacent, single storey retail unit and a garage building, and to construct six x two bedrooms terraced residential properties. Each dwelling would measure approximately 4.25 metres wide, 8.8 metres deep and have a height of 8 metres to ridge level. At ground floor, a kitchen, W.C and a living / dining room area is proposed. Two bedrooms and a bathroom are proposed at first floor level.
- 3.1.4 It is proposed that the external materials to be used in the construction of the development would be facing brickwork with dark slates to be used for the roof. White uPVC double glazing for the windows and coloured grained uPVC would be used for the doors.
- 3.1.5 The development would comprise of six off-street parking spaces located to the south side of Plot 1, turning areas and private amenity spaces. Plot 6 would have its own off-street parking space to the north side of the building and turning area to front of the dwelling.
- 3.1.6 The application is a resubmission following a recent refusal to demolish the dilapidated remains of The Cups Public House and outbuildings and to construct six x two bedroom terraced houses with private communal parking, private rear garden space, turfed with tree planting and ground covering shrubs (planning reference: **FUL/MAL/17/00443**). The application was refusal following reasons set out below:-

- 1 The proposed development would, by reason of its layout; architectural style; scale, bulk and mass; use of communal parking area and resulting part car dominated frontage; lack of visitor parking; failure to provide dedicated screened waste collection areas; and lack of landscaping, result in a contrived, cramped, bland and incongruous form of development failing to reflect the prevailing pattern of existing development or harmonise with the general character of the area in which they are set. In this visually prominent location at a major crossroads the site is a key component in the street scene and the development fails to respond to the character failing to provide a visually acceptable street frontage. The proposal would therefore be contrary to policies S1, BE1 of the adopted Maldon District Replacement Local Plan, policies S1, D1, H4 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework at paragraphs 8, 17, 56, 57, 61, 63, and 64.*

- 2 *No justification or evidence has been provided for the loss of this land last used for employment purposes by way of showing that the existing use significantly harms the character and appearance of the area; the proposed use would be of greater benefit to the community, or that the site has been marketed effectively for sale or rent which is comparable to local market value for its existing use or any other Class B or Sui Generis use for employment and that there is a confirmed lack of interest, and it can be demonstrated that the continuous use of the site for employment use is no longer viable. The development would therefore have an adverse impact on employment generating land, contrary to policy E6 of the adopted Maldon District Replacement Local Plan, policy E1 of the Maldon District Local Development Plan, and Government advice contained in paragraph 22, of the National Planning Policy Framework.*

3.1.7 In this application, the proposal seeks to address the above reasons for refusal.

3.2 Conclusion

3.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development at paragraph 14 and sets out the three strands of sustainable development at paragraph 7. The three strands would be met by the future occupiers of the dwellings by contributing to the local economy. The development of smaller units would meet policy requirement and therefore would meet the social role of sustainability. In terms of environmental role, the building on the corner plot is in a dilapidated condition and structurally unsound. To demolish and replace the existing buildings with an alternative use, in this instance for residential use, would enhance the character and appearance of the area and thus meet the environmental element of sustainable development which seeks to protect and enhance the built and natural environment.

3.2.2 Paragraphs 7 and 8 of the NPPF are clear that all three dimensions of sustainability must be met for the development to be acceptable. The proposal complies with this requirement and it is therefore a sustainable development in accordance with the NPPF. The development proposal has also addressed the previous reasons for refusal and is therefore recommended for approval subject to conditions.

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 Achieving sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 18-22 Building a strong, competitive economy
- 29-41 Promoting sustainable transport
- 56-68 Requiring Good Design
- 126 Conserving and enhancing the historic environment
- 186-187 Decision-taking
- 196-198 Determining applications

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

- Policy S1 – Sustainable Development
- Policy S8 – Settlement and the Countryside
- Policy D1 – Design of Development
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy E3 – Community Services and Facilities
- Policy H4 – Effective Use of Land
- Policy T1 – Sustainable Transport
- Policy T2 – Transport and Infrastructure

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The Local Development Plan (LDP), as approved, has been produced in light of the NPPF's emphasis on sustainable development and Policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.3 The application site is located within the settlement boundary of Maldon as identified in the LDP. Policy S8 is the strategic policy that would apply to this site, allowing development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed in the report below. These material considerations would include the impact on the character and appearance of the area, highway safety, and impact on the amenity of the neighbouring residential properties.

5.2 Loss of a Public House / Employment Use

- 5.2.1 The site is occupied by a public house with a small element of retail use and garage which are all in a dilapidated condition. An appeal was allowed in 2013 for the

erection of a single storey side / rear extension, installation of new shopfront and the creation of nine car parking spaces. While it is noted that this application has expired on 31 December 2016, the planning history shows that the Applicant 'Tesco Stores Ltd' had been actively working with the Council to discharge the 16 planning conditions imposed on that appeal decision (reference: **FUL/MAL/12/00709 / APP/X1545/A/13/2200683**). As part of the application submission at that time, the Planning Inspectorate had accepted that the public house, while still trading, was unviable but there was merit in retaining the community use on this site. Based on the Council's record, it appeared that Tesco Stores Ltd had disposed of the site around 2014 as subsequent planning applications that were made after 2014 were by different Applicants and ownership.

5.2.2 The proposed new residential development would be sited on an area of land which is currently occupied by a public house and a small retail unit. The proposal would therefore, result in loss of an existing community facility. Policy E3 of the LDP states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. Where a proposal will result in the loss of community services or facilities, an application will be required to demonstrate to the Council's satisfaction that:

- 1) The existing business/service is not and cannot be made viable; and
- 2) Effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.

5.2.3 The above policy should also be read in conjunction with Paragraph 70 of the NPPF which stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, amongst other things, *'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and to ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community'*.

5.2.4 The proposal would result in loss of a community facility to open market housing. As part of the planning application submission, a structural report dated 15 May 2018 was submitted in support of the development proposal. It is claimed that the existing structures / buildings on site have been subject to vandalism since it became vacant in 2014. The roof coverings of the principal building, the public house, has been stripped and exposed to the elements for a long period of time and is affected by dry rot and woodworm / woodboring beetles. This has weakened the roof structure making the building unstable. The ceiling between the ground and first floor has collapsed. The external walls of the building have no damp course and as the building has been exposed to the elements, this has contributed to the weakening of the building and signs of wall movement.

5.2.5 The single-storey structure and garage building are both in a dilapidated condition with the roof missing. As these structures are both exposed to the elements, the existing single-skinned walls are structurally unstable. To replace or repair the building and returning it back to community use as a public house or a local shop

would be economically unviable due to the current interior and exterior state of the building.

- 5.2.6 The public house and its associated structures are located in a prominent corner plot on Wantz Road and Cross Road. As it stands, it is considered that the building significantly harms the character and amenity of the area by reason of its dilapidated appearance and its visual impact in the street scene. The site also attracts anti-social behaviour to the site and could potentially be dangerous due to the structural instability of the buildings as reported in the submitted Structural Report. As mentioned in the report above, Tesco Stores Ltd once owned the site and obtained planning permission for a single storey side / rear extension, installation of new shopfront and the creation of nine car parking spaces. Tesco Stores Ltd, a big corporation, would have been able to financially fund the repair, renovate and to extend the building in accordance to the approved plans, but instead had left the planning application to expire. The site could have had a greater benefit to the local community however the site has since fallen into disrepair. Based on the Applicant's submitted Viability Report and Structural Report, it is confirmed that it would be unviable to bring the building back into community use. Also, the Applicant confirms that the site has not been marketed due to the condition of the building and it is unlikely that there would be interest in bringing the building back to community use. Having regard to the above, it is considered that the proposal would on balance accord with policy E3 of the LDP. The current proposal would also address the Reason for Refusal 2 on planning application **FUL/MAL/17/00443**.

5.3 Housing Mix

- 5.3.1 The proposal would provide six x two bedrooms properties (open market). Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50 of the NPPF where it requires local authorities to "*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*" and "*identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand*". In this instance, the proposed dwellings would assist in meeting the housing shortfall need as set out in the SHMA and Policy H2 of the LDP. The provision of six x two bedroom dwellings on this plot would meet the SHMA and policy requirements of policy H2 of the LDP and therefore the benefits from the proposal in terms of housing provision should be given weight.

5.4 Design and Impact on the Character of the Area

- 5.4.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development

is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.

- 5.4.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.4.4 The proposal is to construct six x two-storey terraced dwellings on the corner plot adjacent to Wantz Road and Cross Road. The building would be set back from the pedestrian footway by 2.6 metres when measured at its closest point (Plot 5) and 5.3 metres when measured at its deepest point (Plot 6). It is noted that the Applicant has taken visual cues of Victorian style properties in the locality and have incorporated them into this current scheme by creating proportionate sized windows where they align at ground and first floor on the front elevation of each unit. Each dwelling will have a canopy, vertical brick detailing, and are staggered to create visual interest and no longer appear bland when viewed in the street scene. Window detailing has been introduced on the southern flank wall on Plot 1 which would not only break up the expanse of brickwork when viewed along Cross Road but would also provide some degree of natural surveillance to the communal parking area to the south of the site.
- 5.4.5 In term of the appearance of the car parking area to the southern part of the site, it is noted that Tesco Stores Ltd had proposed 9 parking spaces with minimal soft landscaping between the application site and No. 4 Cross Road. The position of the car parking spaces proposed within the site is considered visually intrusive and dominating frontage and yet the Planning Inspectorate did not consider this as an issue. When compared that scheme **FUL/MAL/12/00709** with the current scheme, it is considered that the parking spaces being set back from Cross Road would result in a less car dominated frontage. Further, the addition of landscaping to the site would soften the outlook of the development which would improve the visual amenity of the area.
- 5.4.6 Concerns were previously raised regarding the cramped appearance of the site. It is noted that the size width and depth of the dwellings have been reduced. The table below shows the new dimensions of the properties when compared to the previously refused scheme:-

Dimension of Dwellings (Plots 1-6)	Previous Scheme FUL/MAL/17/00443	Current planning application
Width	4.5 metres	4.25 metres
Depth	9 metres	8.8 metres
Height	8 metres	8 metres

- 5.4.7 On the Site Layout Plan (Drawing No: LP/WR/01/2018) it shows that the existing footprint of the development equates to 278m². The proposed footprint of the development equates to 222m² which means the site coverage of the new build would be 56m², approximately 20%, less than the public house and associated structures. Further, by reducing the width and depth of the development, and stepping the overall development about 1 metre further back from the highway and back from its original position when compared to the previous scheme **FUL/MAL/17/00443**, the layout of the scheme has been carefully designed to reduce the cramped appearance of the development on site and gives the Applicant the opportunity to provide soft landscaping to the front of the properties to soften the appearance of the development proposal. Also, by setting the development further back into the site would almost be in keeping with the prevailing pattern of development, such as the Victorian houses along Wantz Road. The development in replacement of the public house and associated outbuildings would enhance the visual appearance of the site considering the front of the site was originally hardsurfaced and used for customer parking for the public house / retail.
- 5.4.8 It is noted that the height of the development has not been amended from the previous scheme and remain at 8 metres in height. As the design of the development has been staggered, it is considered that the scale of development would not be as visually prominent when compared to the previous scheme viewed in the street scene. The application site is surrounded by existing residential properties of various bulk, scale, height and design. It is not considered that the development of this plot would result an incongruous development that would be out of keeping with the area to such a degree to warrant a refusal.
- 5.4.9 It is proposed that each property will have a bin / refuse storage area to the front. While the design has not been fully shown on the elevational drawings, a planning condition can be imposed for details of the bins / refuse storage to be submitted and approved by the Council should the application be approved.
- 5.4.10 Having assessed the revised scheme, it is considered that the proposal would accord with policy D1 of the LDP.

5.5 Impact on Residential Amenity

- 5.5.1 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.
- 5.5.2 The proposed development would back onto the flank boundary of No. 4 Cross Road. It is noted that the depth of the private amenity spaces ranges between 9.6 metres (Plot 1) and 11.2 metres (Plot 6) and would fall short of policy requirement by about

5.4 metres and 3.8 metres and guidance contained within the Essex Design Guide (EDG). However, this may still be considered acceptable providing that no overshadowing or overlooking would occur between the future occupiers of this site and the existing occupiers at No. 4 Cross Road . As existing property, it is considered that the occupants are entitled to a greater degree of privacy to their rear garden. The distance between Plot 1 and No. 4 Cross Road is approximately 17 metres with Plot 6 being 33 metres away from that dwelling. Further, having checked the planning history of No. 4 Cross Road, planning permission was granted for a part two-storey and part single-storey extension to the coach house at that property. The proposal does not show any windows on the existing and proposed flank wall of the coach house and therefore it is considered that there would be no loss of privacy, interlooking or overlooking between the existing occupiers of No. 4 Cross Road and the future occupiers at Plot 1 and Plot 2.

- 5.5.3 The Applicant has demonstrated that there would be minimal impact between the Plot 6 and the existing occupiers at No. 210 Wantz Road. The Applicant had previously visited the occupiers at that property and photographs have been taken by the Applicant, submitted on 16 June 2017 (**FUL/MAL17/00443**), to clarify that the windows on the flank wall of No. 210 Wantz Road are secondary windows serving a kitchen and the lounge. The obscure glazed window also on the flank wall would normally serve a bathroom or a utility room which would be a non-habitable room. Having taken into account the position and the orientation of Plot 6 and its relationship with No. 210 Wantz Road, it is considered that some loss of light would occur at certain times of the day, but it is not considered the loss of light would be demonstrable or significant to justify refusal of this application. Due to the position of the development, there would be no material impact on existing properties along Wantz Road and Cross Road. In this instance, the proposal would accord with policy D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 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.
- 5.6.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.6.3 A letter of representation was received concerning the lack of car parking being provided. In terms of car parking, the Site Layout Plan (**LP/WR/02/2018**) shows that each dwelling would have one car parking space. While it is noted that there is a shortfall of six car parking spaces, the site is considered to be in a sustainable location where Maldon High Street (local shops, services and facilities) are located within walking distances. Also, there is public transport available which are frequent.

Therefore the relaxation on the number of off-street parking spaces in this instance is not considered to cause demonstrable harm to highway safety.

- 5.6.4 The application comprises of six x two bedroom dwellings. The Maldon Vehicle Parking Standards state that for a two bedroom dwelling, a maximum of two spaces should be provided. Each parking space measures 2.5 metres x 4.8 metres. It is noted that there is a car parking space which is at an angle and appears awkward to access. This can be resolved by imposing a condition for details of the car parking area, ensuring the area would be useable for the future occupiers of the site, to be submitted and agreed by the Council should the application be approved.
- 5.6.5 It should be also be noted that the lawful use of the site as a public house / retail or the recent permission to use the site as a retail unit would have resulted in a shortfall in on-site car parking spaces greater than what is proposed as part of this application.
- 5.6.6 In this instance, it is considered that the proposal would meet policies D1 and T2 of the LDP and the aims of the NPPF. The Highway Authority has assessed the application and raises no objection to the proposal subject to conditions should the application be approved.

5.7 Private Amenity Space and Landscaping

- 5.7.1 With regard to the size of amenity spaces, the Council has adopted the EDG as guidance to support its policies in assessing applications for residential schemes. The EDG indicates that for three or more bedroom dwellings at least 100m² of amenity space would be required. This policy requirement is also reflected in Section C07 'Residential Outdoor Amenity' of the MDDG. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.7.2 The proposal would provide six x two bedroom dwellings. The MDDG advises that dwellings containing one and two bedrooms should accommodate 50sqm of private amenity space. The overall size of the garden would need to be in proportion with the type of dwelling and the character of the area. The proposal provides the following:-

	Garden Sizes m²
Plot 1	42m ²
Plot 2	50m ²
Plot 3	57m ²
Plot 4	52m ²
Plot 5	57m ²
Plot 6	80m ²

- 5.7.3 While it is noted that Plot 1 has a shortfall of 8m², it is considered that the overall proposal would provide sufficient amenity spaces for the future occupiers of the site. Further, the garden sizes proposed would not be too dissimilar to the existing gardens of the terrace properties along Wantz Road. As the size of the private amenity spaces proposed reflects the prevailing pattern of development in the locality, it is considered the proposal would accord with policy D1 of the LDP and Guidance contained within the EDG and the MDDG.

- 5.7.4 In terms of landscaping, while the Site Layout Plan shows that grass would be laid to the front and rear of each unit and that a hedge would be planted next to the highway, no details have been submitted regarding the size, stock, and type of planting to be introduced onto the site. A planning condition could therefore be imposed for landscaping details to be submitted and approved by the Council should the application be approved.

5.8 Archaeology

- 5.8.1 The Essex Historic Environment Record (EHER) shows that the proposed development was located on the edges of the historic settlement of Maldon (EHER 7719). The building is of mid-19th century date and is depicted on the 1st edn. OS map. It is an example of a small Victorian Public House, intended to supply the needs of the local working-class population. The loss of Public Houses from Britain's architectural heritage has become an issue of increasing concern and has been highlighted in the Regional Research Frameworks for the Eastern Region. The structure has become dilapidated, but sufficient remains to enable building recording prior to any demolition taking place. The Archaeology Team at ECC has recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent in accordance with policy D3 of the LDP and advice given in the NPPF.

5.9 Other Material Considerations

Cadent Gas

- 5.9.1 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. It has been advised that Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. This advice will form a part of the informative should the application be approved.

Environmental Health Services (EHS)

- 5.9.2 The EHS has assessed the planning application and raises no objection to the proposal subject to conditions regarding surface water, foul water, and contamination to be submitted and approved by the Council should the application be approved.

6 ANY RELEVANT SITE HISTORY

- **ADV/MAL/14/00872** - Display of 2 x internally illuminated fascia signs, 2 x externally illuminated fascia signs and 1 x externally illuminated projecting sign. Part Approved / Part Refused: 07.11.2014
- **NMA/MAL/14/00902** - Application for non-material amendment following grant of Planning Permission **FUL/MAL/12/00709** (Erection of single storey side/rear extension, installation of new shopfront and creation of 9no. car parking spaces) Non material change involves the substitution of the approved brickwork with painted render on the rear elevation. Approved: 06.10.2014

- **FUL/MAL/14/00868** - Installation of plant equipment consisting of 1 x two fan condenser unit and 3 x AC units along the rear (west) elevation. Refused: 13.01.2015
- **FUL/MAL/14/00862** - Installation of canopy to enclose an area of the rear side service yard. Refused: 08.01.2015
- **FUL/MAL/12/00709** - Erection of single storey side/rear extension, installation of new shopfront and creation of 9no. car parking spaces – Refused 28.03.2013, Appeal Allowed 31.12.2013.
- **FUL/MAL/17/00443** - Demolition of the dilapidated remains of The Cups Public House and outbuildings. The erection of 6 x two bedroom terraced houses with private communal parking, private rear garden space, turfed with tree planting and ground covering shrubs. Refused: 29.06.2017

7 **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<p>Object for the following reason:-</p> <ul style="list-style-type: none"> • Out of keeping with the area • Overdevelopment of the site • Loss of a historic asset to the town • The Town Council would be sympathetic to a scheme that the retains the footprint of the existing building 	Noted. The points are addressed in the officer report

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to conditions should the application be approved	Noted in the officer report
Cadent Gas Ltd	Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves)	Noted in the officer report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.	
ECC Archaeology	No objection subject to conditions to be imposed should the application be approved	Noted in the officer report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Economic Development Team	The Economic Development Team would not recommend this proposal because it would take away the future retail opportunities that would contribute to the economic prosperity of the Maldon District.	Noted and addressed in the officer report
Environmental Health Services	No objection subject to conditions regarding to surface water drainage, foul drainage, and contamination	Noted and can be conditioned should the application be approved

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> Too many houses Inadequate parking 	Addressed in the officer report

- 7.4.2 Three 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
<ul style="list-style-type: none"> • A new sturdy fence can be erected between the site and 4 Cross Road • Trees can now be trimmed as they are overgrown • Smaller properties are an asset to the area • This is an eyesore and the proposal would enhance the visual impact of the site • Welcome the demolition of the remains of this building and also the fact the site is intended for residential rather than commercial use given its tricky corner location. 	<p>Noted in the officer report. Boundary treatment and hard and soft landscaping can be imposed as planning conditions should the application be approved</p>

8 **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
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 shall be carried out in accordance with the following approved plans and documents: LP/WR/01/2018; Location Plan; LP/WR/02/2018 - Site Survey; LP/WR/02/2018 - Site Plan; LP/WR/03/2018; LP/WR/05/2018; LP/WR/06/2018; LP/WR/07/2018; LP/WR/08/2018; LP/WR/09/2018; and LP/WR/10/2018.
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 No development shall take place until samples of the facing material to be used have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
REASON: To ensure that the external materials to be used in the development are acceptable in accordance with Policy D1 of the Maldon LDP and Government advice contained in the NPPF.
- 4 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 beneficial occupation of the development hereby approved 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 the planting of 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.

REASON: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with policy D1 of the Maldon District LDP and Government advice as contained in the NPPF.

- 5 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 boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON: To ensure the boundary treatments are appropriate and to protect the visual amenity of the area in accordance with policy D1 of the Maldon District LDP and Government advice as contained in the NPPF.

- 6 Prior to first occupation of the proposed development, the proposed vehicular access onto Cross Road shall be constructed at right angles to the highway boundary and to a width of 5.0 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with policy T2 of the Maldon District LDP.

- 7 No unbound materials shall be used in the surface treatment of either of the proposed vehicular accesses throughout.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with policy T2 of the Maldon District LDP.

- 8 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge / footway / kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with policy T2 of the Maldon District LDP.

- 9 Prior to the first occupation of the development hereby permitted details of the car parking spaces to be provided shall be submitted to and approved in writing by the local planning authority. The car parking spaces shall be carried out in accordance with the agreed details and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with policies D1 and T2 of the Maldon District LDP.

- 10 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with policies D1 and T2 in accordance with policy T2 of the Maldon District LDP.

- 11 Prior to the commencement of the development details of the surface water and foul water drainage scheme to serve the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District LDP.

- 12 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON: To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District LDP and Government advice contained in the NPPF.

- 13 No development or demolition/conversion of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON: To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District LDP and Government advice contained in the NPPF.

- 14 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON: To ensure that the private amenity space for Plots 1, 2, 3, 4, 5 and 6

remains of an appropriate size and useable for the future occupiers of the site in accordance with policy D1 of the Maldon District LDP.

- 15 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or roof lights or openings shall be constructed in the roof slope of the development hereby permitted without planning permission having been obtained from the local planning authority.
REASON: To protect the existing amenity of neighbouring residential properties in accordance with policy D1 of the Maldon District LDP.

INFORMATIVE

ECC Highways Informative

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all 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.

Environmental Health Services Informative

- 2 The building is known or suspected to contain asbestos an appropriate Asbestos Type survey of the buildings must be undertaken by a competent person.
- 3 The applicant ensure that all work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessments and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. it will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website.
- 4 It is also recommended that the council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.
- 5 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.

Cadent Gas Ltd Informative

- 6 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.
- 7 If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.
- 8 If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.
- 9 All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588.

ECC Archaeology Informative

- 10 The Applicant is advised that the archaeological work will comprise historic building recording of the building. All fieldwork should be conducted by a professional recognised historic building specialist in accordance with a brief issued by this office.