



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

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**to  
CENTRAL AREA PLANNING COMMITTEE  
20 FEBRUARY 2019**

<b>Application Number</b>	<b>FUL/MAL/18/01264</b>
<b>Location</b>	Madison Heights, Park Drive, Maldon, Essex, CM9 5JQ
<b>Proposal</b>	Two single storey extensions to the front elevation and retrospective permission for the erection of a canopy replacing the two former balconies
<b>Applicant</b>	Michael Kirkham
<b>Target Decision Date</b>	13.02.2019
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

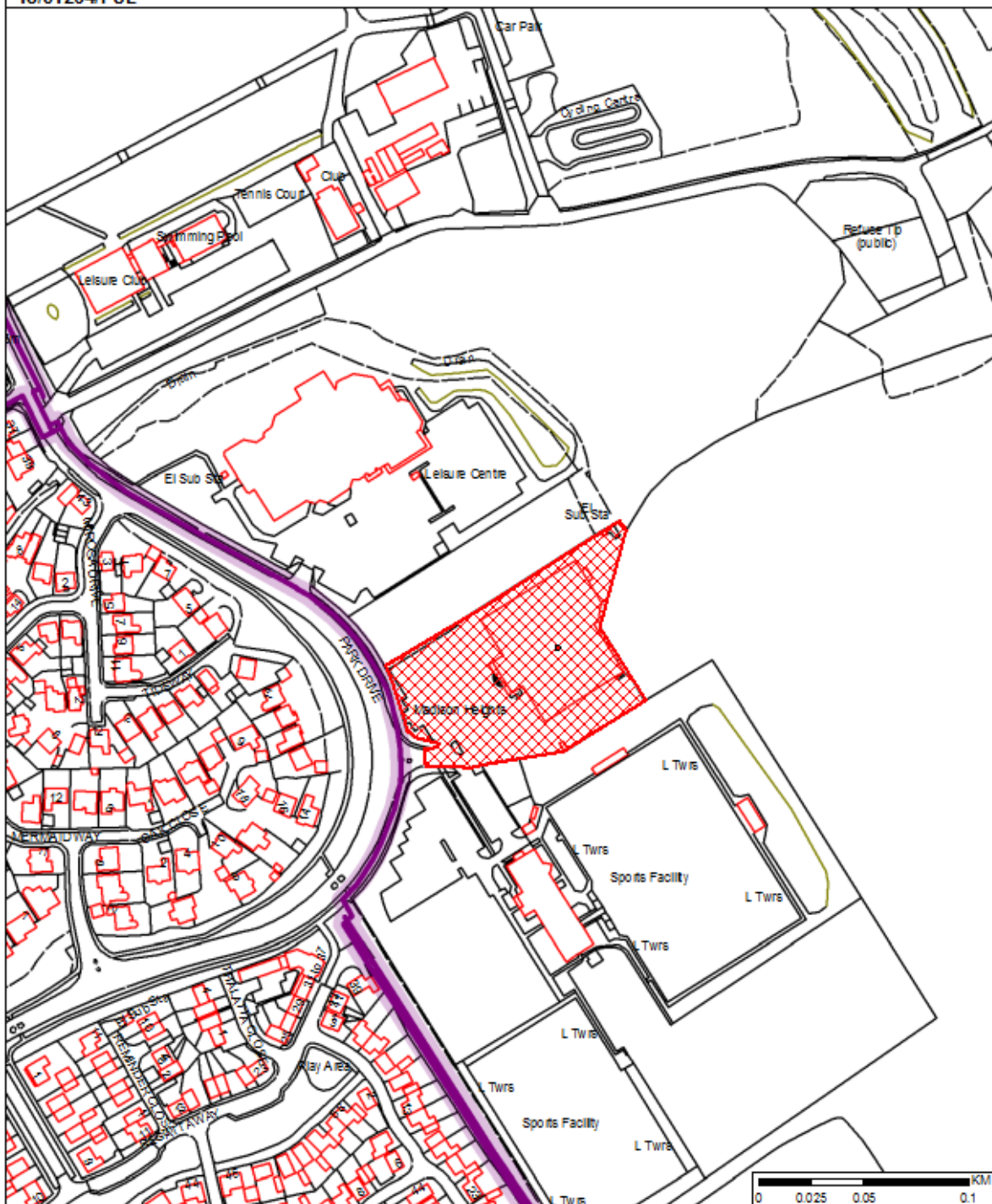
**1. RECOMMENDATION**


**APPROVE** with no conditions.

**2. SITE MAP**

Please see overleaf.

**Madison Heights Park Drive**  
18/01264/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	18/01264/FUL
	Date:	1/29/2019
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located east of Park Drive, within the settlement boundary of Maldon. The site comprises Madison Heights and associated car park. Madison Heights is a recreational centre with bowling facilities, a children's play centre, a roller skating facility, bar and restaurant.
- 3.1.2 The site is located within the defined development boundary of Maldon and is an area of a mix of uses in and surrounding the application site. To the north of the site is Blackwater Leisure Centre, a recreational centre with swimming pool, gym, sports hall, indoor climbing wall and cafe. Approximately 130m to the west of the application site is a residential housing estate bordered by soft landscaping.
- 3.1.3 The entrance to the site is accessed via the east side of Park Drive, and is shared with Maldon Town Football Ground and Sports and Social Club that is located to the south of the application site.
- 3.1.4 Planning permission is sought for two single storey flat roof extensions which are the same in measurements and are located to the front elevation. The proposed extensions measure 5.7m in depth, 19.7m wide with an over height of 4.1m. The external materials to be used are cladding and metal framed glazed windows.
- 3.1.5 The proposal also includes the removal of the large first floor balcony and the installation of a canopy that extends from the first floor down to the ground floor. It is noted from the site visit that the canopy has been constructed therefore; this element is retrospective in nature.

#### **3.2 Conclusion**

- 3.2.1 It is considered that in terms of the design and appearance of the development does not result in demonstrable harm to the character and appearance of the site and the locality. Furthermore, the proposed development does not detrimentally impact on the car parking provision or the amenities of the neighbouring occupiers. It is therefore considered that the proposed development is in accordance with policies S1, D1, E3 and H4 of the LDP and the guidance contained in 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 2018 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 approved by the Secretary of State:**

- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- S1 Sustainable Development

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

- Vehicle Parking Standards (SPD)
- Essex Design Guide
- 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 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District. In this instance the host building provides facilities in relation to sporting facilities as set out within policy E3. In addition to this the building hosts a restaurant, bar and ‘soft play’ area.
- 5.1.2 Proposals which help to improve the provision of community services and facilities will be encouraged. The two extensions subject of this application will both provide additional areas to be used in connection with main recreational building on site, which is in line with the aims set out within policy E3 of the LDP. As such the general principle of development is acceptable, particularly given the existing land use as a recreational centre and the position of the site within the settlement boundary of Maldon, subject to other considerations which are examined below.

#### **5.2 Design and impact on the character and appearance 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 should be sought to create a high quality built environment for all types of development. There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 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 any local design standards or 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 in terms of:-
- 5.2.4 Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - Layout, orientation, and density;
  - Historic environment particularly in relation to designated and non-designated heritage assets;
  - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - Energy and resource efficiency.
- 5.2.5 The proposed design of the two single storey extensions consist of flat roofs with overall heights of 4.1m. The front elevations are to feature 6 large glazed windows within the southern extension that serves the existing ‘soft play’ area and 5 large glazed windows within the northern extension that serves the existing restaurant area. Whilst it is noted that the proposed external materials to be used in construction differ to that used originally for the lower section of the building, it is considered that the use of cladding would not result in any demonstrable harm to the existing building or the locality. Furthermore, due to the single storey nature and size of the extensions in comparison to the host building they are not considered to be overbearing additions.
- 5.2.6 The canopy extends over the existing single storey element and replaces the large balconies that extended across the first floor section of the host building; it is considered that the appearance of the canopy will be in keeping with the two proposed extensions, due to the colour and style referencing that of the external cladding of the extensions. Therefore, it is considered that the canopy does not result a detrimental impact of the character and appearance of the host building.
- 5.2.7 Overall, it is considered that the development, by means of its scale, style and design, is considered acceptable in its setting and does not detract from the appearance of the locality. Therefore, the proposed extensions and existing canopy are considered to comply with the stipulations of policy 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).
- 5.3.2 The closest neighbouring properties, 16, 18 and 20 Tideway, are located within the residential development opposite the application site, which is approximately 60m from the development. Furthermore, the development is single storey in nature with an overall height of 4.1m.
- 5.3.3 It is considered that due to the distance and the single storey nature of the development there is no detrimental impact on the neighbouring occupiers in terms of overlooking, loss of privacy or overbearing impact, in accordance with policy D1 of the LDP.

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

- 5.4.1 Policy T2 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 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 existing car park can accommodate 127 cars in total with 3 allocated for disabled persons, as a result of the proposed two single storey extensions 12 of the existing parking spaces, including the 3 disabled persons bays, are to be relocated to an existing area of hardstanding that is currently used as a storage area, to the rear of the application site behind the host building. This hardstanding is accessed via an existing 5.3m wide strip of hardstanding to the north of the host building. The existing 3 disabled persons bays are to be reallocated to the front of the southern extension with the addition of 7 further disabled bays therefore, providing a total of 10 disabled parking bays.
- 5.4.3 It is considered that, due to the number of parking spaces remaining the same and no alterations to the existing access are proposed, that the alterations to the parking on site will provide sufficient parking facilities and would not give rise to any highway safety concerns.
- 5.4.4 Furthermore, the highway authority has been consulted and has raised no objections for the development subject imposing a condition regarding loading and unloading materials. On this basis, the scheme is acceptable in terms of access, parking and highway safety.

## 5.5 Other Material Considerations

- 5.5.1 When conditions are imposed on application decisions it should be noted that the application of the 6 tests under NPPF should be taken in to consideration. Paragraph 55 of the NPPF states:

*'Planning conditions should only be imposed where they are:*

- 1. Necessary;*
- 2. Relevant to planning and;*
- 3. To the development to be permitted;*
- 4. Enforceable;*
- 5. Precise and;*
- 6. Reasonable in all other respects.'*

- 5.5.2 The Environmental Health Officer has suggested 3 conditions with an informative. In response to the following condition:

*'1 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority...*

- 5.5.3 It is considered that the development has not resulted in any additional levels of surface water being produced on to the site and that the existing surface water drainage scheme is sufficient to serve the development therefore, it would not be reasonable or necessary to impose this condition in accordance with guidance of paragraph 55 of the NPPF.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/00/00286** - Proposed erection of building to house ten pin bowling snooker centre, children's play centre and restaurant – Approved 05.03.2001
- **FUL/MAL/01/01007** - Proposed additional car parking area. – Approved 12.02.2002
- **ADV/MAL/01/01124** - Freestanding advertisement on site frontage and fascia sign on front elevation of new bowling alley building – Approved 03.01.2002

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No Objection	Noted

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No Objection subject to conditions	Addressed in section 5.4
Cadent Gas	No Objection – Advising applicant to contact them if any of the works effect any mains gas lines	Noted. As the works have been carried out, the onus would be on the applicant to address direct with cadent gas.

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection subject to conditions	Addressed within section 5.5
Conservation Officer	No Objection	Noted

## 8. 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 accord with that shown on drawing numbers 568-01, 568-02, 568-03, 568-04, 568-05, 568-06, 568-07 and 568-08  
**REASON:** To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.  
**REASON:** To protect the amenity and character of the area in accordance with policy D1 of the LDP.
- 4 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.  
The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial



measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

**REASON:** To prevent undue risks to human health and the environment as a result of contamination in accordance with policy D2 of the approved MDLDP.

- 5 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval.

The written verification shall include that:

- (i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- (ii) All imported material is suitable for its intended use.
- (iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

**REASON:** To prevent undue risks to human health and the environment as a result of contamination in accordance with policy D2 of the approved MDLDP.

- 6 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

**REASON:** In the interests of highway safety in accordance with policy T2 or the approved Maldon District Local Plan.

## **INFORMATIVES**

1. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable

condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

2. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.