



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

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

<b>Application Number</b>	<b>FUL/MAL/19/00730</b>
<b>Location</b>	The Queen Victoria Public House, Spital Road, Maldon
<b>Proposal</b>	Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision.
<b>Applicant</b>	Mr John Hubbard
<b>Agent</b>	Mr Matthew Chorley - Alderton Associates
<b>Target Decision Date</b>	15.11.2019
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	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
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **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 merits 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**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends approval	Noted

**7.2 Statutory Consultees and Other Organisations**

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

**7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
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:

<b>Supporting Comment</b>	<b>Officer Response</b>
<ol style="list-style-type: none"><li>1. Parking sufficient given the distance to the High Street;</li><li>2. The Council should discourage car use and persuade people to use public transport, cycle or walk;</li><li>3. Provisions have been made for cycle stores which encourages more people to cycle;</li><li>4. Do not understand why 30 more spaces are required;</li></ol>	<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.