



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 FEBRUARY 2021**

| | |
|---|---|
| Application Number | 20/00883/FUL |
| Location | Annley House, Burnham Road, Latchingdon |
| Proposal | Section 73A retrospective application for single storey extensions and outbuildings and alterations to hours / music at the site. |
| Applicant | Mr & Mrs Paul Likeman |
| Agent | Chris Cumbers - CBS Cumbers MCIAT |
| Target Decision Date | 27.11.2020 |
| Case Officer | Louise Staplehurst |
| Parish | LATCHINGDON |
| Reason for Referral to the Committee / Council | Member Call In Councillor Mark G Bassenger Reason: this is an existing business providing local employment, providing a service and promoting tourism – policies E1 and E5 of the Local Development Plan (LDP). |

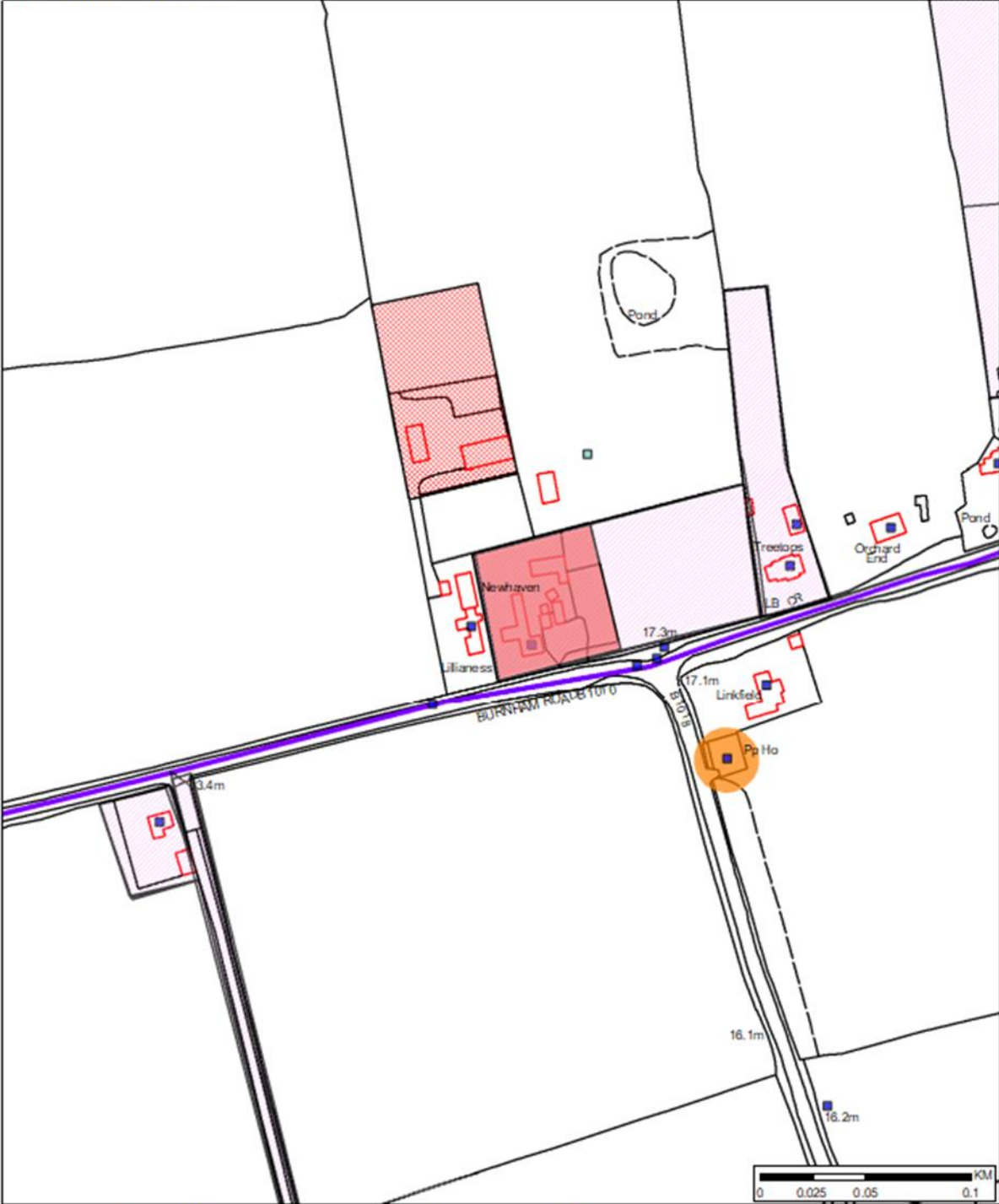
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

20/00883/FUL
Annley House Tearoom



| | | |
|---|---------------|-------------------------|
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| | Organisation: | Maldon District Council |
| | Department: | Department |
| | Comments: | SEAC |
| | Date: | 04/02/2021 |
| | MSA Number: | 100018588 |

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies on the north side of Burnham Road, outside of any defined settlement boundary and is occupied by a two storey dwellinghouse, with a tearoom to the rear. The building is set on a spacious plot of land and is set back from the edge of the road, with parking to the front and side of the dwelling.
- 3.1.2 The surrounding area is rural and is characterised by open fields, however there is sporadic development within the surrounding area.
- 3.1.3 Retrospective planning permission is sought for extensions to the tea room and outbuildings including an annex. It is also proposed to implement live and recorded music at the site and also to extend the opening hours.
- 3.1.4 The extensions have resulted in the tea room having an L shape appearance, with a total length of 21.5 metres and total width of 14.5 metres. It is single storey with an eaves height of 2.5 metres and a ridge height of 3.4 metres for the northern projection and a ridge height of 3.7 metres for the north western projection.
- 3.1.5 It is noted that application 14/00535/FUL originally granted permission for a tearoom on the site. This has been extended unlawfully since then and various outbuildings have been constructed without planning permission.
- 3.1.6 There is a toilet outbuilding on the eastern side of the tearoom measuring 4.5 metres wide and 3.2 metres deep with an overall height of 2.7 metres.
- 3.1.7 There is a store outbuilding on the eastern side of the tearoom which measures 5.5 metres wide and 12.5 metres deep with an overall height of 2.7 metres.
- 3.1.8 There is an outside burger bar which measure 4.8 metres wide and 5 metres deep with an overall height of 3.3 metres.
- 3.1.9 There is a detached annex building to the north east of the dwelling on the site which measures 7 metres deep and 4.3 metres wide with an eaves height of 2.4 metres and an overall height of 5 metres. This houses a toilet at ground floor level and a bedroom at first floor level. It has been stated that the applicant's son uses the annex however there are no cooking facilities and meals are taken in the main dwelling.
- 3.1.10 Condition 3 of the original planning permission 14/00535/FUL stated that there shall be no amplified sound used within or outside the premises. This application proposes music to be allowed between the times of 11.00-midnight Thursday-Saturday, 11.00-22.30 on Sundays, 11.00-midnight on Bank Holidays, 12.00-18.00 on Christmas Day and 11.00-01.00 on New Year's Eve through to New Year's Day. There will be no music on Monday-Wednesday. The Agent has stated that the applicants have live music a few times each month but it is possible that the day of the performance may not be the same as in the month before, and so it is not intended to have live or recorded on every day that has been applied for, but the applicants need the flexibility to allow for them to suit their customers' needs.

- 3.1.11 Condition 2 of application 14/00535/FUL states ‘the use hereby permitted shall only be undertaken between 10.30 to 3.30 Tuesday to Friday and 10.30 - 4pm on Saturdays and Sundays and Public Holidays April to September (Inclusive) and between 11 - 3pm from October to March (Inclusive)’.
- 3.1.12 The proposed opening hours are 08:30-15:00 Mondays, 08:30-15.30 Tuesday-Wednesday, 08:30-midnight Thursday-Saturdays, 08:30-22:30 on Sundays, 08:30-midnight on bank holidays, 12:00-18:00 on Christmas day and 08:30-1.00 on New Year’s Eve/Day.
- 3.1.13 A noise report has been submitted in support of the application; this is explained further in section 5.3 of the report. It is noted that additional glazing has been installed in the windows in the tearoom. All of the windows in the restaurant are fixed lights apart from two small windows in the grill area which the Agent has stated will remain closed when there is music being played. The restaurant has air conditioning that negates the need to open windows for the purposes of adjusting the internal temperature.
- 3.1.14 There are stables and a residential garage on the site however these buildings have not been included as part of the application.
- 3.1.15 It is noted that this application follows a previous application 20/00163/FUL which was withdrawn due to the concerns regarding the impact of the development on neighbouring amenity.

3.2 Conclusion

- 3.2.1 Overall, it has not been demonstrated that the proposed extension of the opening hours into the evening would not result in a detrimental impact on neighbouring sites, particularly the western neighbour Lillianess, by way of the noise impact particularly from patrons entering and exiting the site, and from the external seating area. The impact would be exacerbated by the playing of live and amplified music. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan (MDLDP) 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:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54–57 Planning conditions and obligations
- 117–123 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
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 The site has a residential use however permission was granted under the terms of 14/00535/FUL for the use of a rear single storey projection as a tearoom. Further extensions and outbuildings have been constructed to use as part of the tearoom use (two extensions labelled red room and kitchen on the ground floor plan, the toilet outbuilding and burger bar). The building labelled ‘store’ is used for storage as part of the tearoom and the residential use. The principle of providing facilities in relation to the lawful use of the site, which is in this case is residential with a tearoom, is considered acceptable and in line with policies S1 and H4 of the LDP.

5.1.3 It is noted that an outbuilding has been constructed and is being used as an annex. In relation to the proposed annex, it is an established requirement that annex accommodation would have an ancillary relationship, a functional link, shared services, amenities and facilities and for there to be a level of dependency on the occupants of the host dwelling by the occupants of the annex.

5.1.4 In addition to the above, the Council’s Specialist Needs Housing SPD, which was adopted in September 2018, states that proposals for annex accommodation will not only be required to meet the criteria in policy H4 but also the criteria within the SPD which is as follows:

- 1) Be subservient / subordinate to the main dwelling;

- 2) Have a functional link with the main dwelling (i.e. the occupants' dependent relative(s) or be employed at the main dwelling);
- 3) Be in the same ownership as the main dwelling;
- 4) Be within the curtilage of the main dwelling and share its vehicular access;
- 5) Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
- 6) Have no separate boundary or sub-division of garden areas between the annex and the main dwelling; and
- 7) Have adequate parking and amenity facilities to meet the needs of those living in the annex and the main dwelling.

5.1.5 The detached annex is located 2.2 metres from the host dwelling and is at a scale which is subservient to the main dwelling. It has been stated that the applicant's son uses the annex and therefore it has a functional link with the main dwelling and is also within the same ownership as the main dwelling. There are no cooking facilities in the annex and all meals are eaten in the main house. It is considered that the annex is located within the curtilage of the main dwelling and would share its vehicle access. As the annex is detached, it is not considered that it could be used as an integral part of the dwelling, however it could be used at a later date as a building used in relation to the host dwelling i.e. for storage in relation to the host dwelling. It is noted that there are some concerns regarding a possible future sub-division of the site, however the door fronts inwards and there is no other accommodation within the annex other than a bedroom and toilet, therefore it is considered that subject to a condition ensuring the annex remains within the same ownership as the dwelling, this part of the proposal can be found acceptable.

5.1.6 Overall, it is considered that the principle of the development can be found acceptable, subject to the considerations below.

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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

5.2.2 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:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;

- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.

5.2.6 The extensions to the tearoom have resulted in a large projection to the rear of the dwelling on the site, which is not considered to be a highly attractive feature. However, given their position to the rear of the dwelling, this means they are not highly visible within the surrounding area or the streetscene and reduces their impact on the character of the area. Furthermore, they are single storey extensions which are finished in black weatherboarding, brick and render which ties in with the style of the host dwelling and avoids a dominating appearance within the site.

5.2.7 The outbuildings (store, burger bar, toilet and annex) are visible from the streetscene however they are viewed within the context of the site. It is noted that the store and annex have been in place since at least 2013. The outbuildings are single storey apart from the annex which is a chalet style. The toilets and burger bar are hidden from wider views by the store and annex. Overall, the cumulative impact of these buildings is not considered to have such a harmful impact on the character of the area to an extent that would justify the refusal of the application.

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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 The nearest residential neighbour is Lillianess to the west of the site, which is located 8.5 metres away. Linkfield and Treetops are located over 100 metres away to the east of the site.
- 5.3.3 The extensions are single storey and the outbuildings are located at a distance where they will not impact upon neighbouring sites in terms of a loss of light or a loss of privacy.
- 5.3.4 The proposal includes the playing of music at the site and the extension of opening hours.
- 5.3.5 Condition 3 of the original planning permission 14/00535/FUL stated that there shall be no amplified sound used within or outside the premises. This application proposes music to be allowed between the times of 11.00-midnight Thursday-Saturday, 11.00-22.30 on Sundays, 11.00-midnight on Bank Holidays, 12.00-18.00 on Christmas Day and 11.00-01.00 on New Year's Eve through to New Year's Day. There will be no music on Monday-Wednesday.
- 5.3.6 A noise report has been submitted in support of the assessment. This states that the windows in the kitchen room have been upgraded to be rated Rw 36dB but are not openable; the heating and cooling is provided by a wall mounted air conditioning unit. The door between the bar and kitchen room will be left open and there is no additional amplification in the kitchen room, so this space is quieter. It is also proposed to add a lobby area to the entrance to reduce noise further. An indoor and outdoor noise assessment was carried out in 2019 between 22:00 and 23:50 hours. A song was sung through the PA system over a backing track. This had a level of 71.5 dB and it was considered that this would be inaudible externally and therefore too quiet to assess accurately. A song was then played and this was measured near the restaurant doors and in the kitchen room at 78.5 dB and 69.1 dB respectively. This was measured at the boundary with Lillianess (the neighbour to the west) and the noise measured at 41.9 dB. Taking into account ambient noise the measurement was 37.3 dB, however when a more detailed assessment was made, the noise measurement was deemed to be 23.1 dB which is 18.8 dB below the ambient noise level. A reading was not taken from inside the closest neighbour however it has been calculated that the noise from the music would have been inaudible. A noise level of 82 dB has been suggested.
- 5.3.7 The report concludes that there is unlikely to be any noise complaints with regard to amplified music and singing at this site. This is based on the amplified music being in the bar area, with the restaurant doors closed, the kitchen room doors being open (between the bar and the kitchen room) and all external windows and doors being closed. Amplified music in the kitchen room, i.e. if the levels in the bar were played in the kitchen room, could be problematic and should be avoided unless a new survey is carried out to assess the acoustic glazing that was not present at the time of the survey. The report states the restaurant should not be used (doors shut at all times) whenever there is amplified music at these levels (however, background music is acceptable when the restaurant is in use).
- 5.3.8 In relation to patron noise and neighbour relations, the report recommends that notices should be put up asking patrons to arrive and leave quietly, not to congregate outside and to respect the neighbourhood. Management should reserve the right to refuse entry to anyone known to have caused noise issues with neighbours. It is

recommended that the applicant liaises with the neighbour at Lillianess to establish a clear procedure for dealing with any noise issues. By welcoming any feedback from the neighbour, the applicant will be able to quickly identify any areas that could be improved or rectified for the benefit of all concerned.

- 5.3.9 Environmental Health has been consulted and have submitted an initial and a further response (see 7.2 below). They consider that whilst amplified music has the potential to cause adverse impacts when uncontrolled, conditions can be applied which offer suitable protection. Any significant future changes to the scale or nature of the entertainment offered by the applicant will have to undergo further noise assessment. The glazing in the kitchen room has been updated since the planning application was submitted. A screen is also proposed to reduce noise breakout from the front door and the re-installation of doors between the bar and kitchen room which is supported. The applicant indicated to the Environmental Health Officer that they would agree to conditions which restrict the level and location of amplified music. The applicant's noise consultant has suggested a figure of 82 dB LAeq which is reasonable. In order to reduce the likelihood of adverse noise impacts, external doors windows should remain closed when amplified music is playing; it is noted that it has been stated the windows in the kitchen room are non-openable. Subject to 3 conditions, the playing of music can be found acceptable.
- 5.3.10 It is noted there is an external toilet building, which could result in noise break out if patrons are exiting the building to use the toilet. Whilst indoor toilets are proposed, the agent has indicated that due to Covid-19 and costs, it cannot be guaranteed when these will be built and therefore the outdoor toilets will be used. It should be noted, that were the application to be approved there would be no reasonable condition to be applied that would require the completion of the internal works to include the toilet. The mitigation of adverse harm through noise breakout, as proposed in the applicant's noise report, which includes doors being closed during the playing of music would not be effective through ingress and egress of patrons to the external toilet. As such, any approval for the extended hours of use and music into the evening and night, would exacerbate the harm identified in this report.
- 5.3.11 It is also noted that it is proposed to extend the permitted opening hours. The opening hours will be 08:30-15:00 Mondays, 08:30-15.30 Tuesday-Wednesday, 08:30-midnight Thursday-Saturdays, 08:30-22:30 on Sundays, 08:30- midnight on bank holidays, 12:00-18:00 on Christmas day and 08:30-1.00 on New Year's Eve/Day.
- 5.3.12 Environmental Health has issued a further response which raises concerns regarding the use of the external area of the premises by patrons at night. They have stated that the main entrance to the site and courtyard seating area are located on the east side of the building which affords them some acoustic screening from the western neighbour Lillianess, however there is another grassed external area which extends from the east around the north of the main building and to the area between the 'kitchen room' and the western boundary. During winter months the adverse noise impacts arising from external areas is low however this naturally increases in spring and summer when the weather improves, particularly in the evening and into the night time, after 23:00. Whilst the current owners of the business and their management procedures may not present issues from noisy patrons, the business could conceivably change in character or be sold to another occupier who may have a different vision as to how the premises should be run. Any permission granting unrestricted use of external areas at night

should be avoided and it might be prudent to restrict the opening hours to earlier in the evening in general.

- 5.3.13 Whilst it is acknowledged that it is possible that conditions could be imposed to mitigate harm associated with playing music during the day time, it is considered that extending the opening hours into the evening, particularly on the days it is proposed to open until midnight, would have a harmful impact on the amenity of the neighbouring occupiers of the dwelling to the west Lilianess. The impact would also likely be exacerbated by the use of an external seating area which would mean that there could be noise and disturbance up until midnight 3 days a week and until 22:30 on Sundays likely to cause undue harm to the western neighbour. Whilst the applicant has stated the site would be managed appropriately this could not be enforced if planning permission were to be granted as applied for. Furthermore, planning permission runs with the land and there would similarly be no control over any future occupiers or management of the premises.
- 5.3.14 The agent has drawn the Council's attention to a premises license for the sale of alcohol and the provision of music. It is noted a premises licence was applied for in 2019 for extended opening hours and the provision of entertainment in the form of cabaret evenings, bands, vocalist, DJ's and comedians. The Planning department were consulted on the licensing application and advised the licensing department that there were restrictive conditions under application 14/00535/FUL in relation to opening hours and the playing of amplified music; however, the license was granted as licensing operates separate to the Planning regime. Notwithstanding this, concerns have been by Environmental Health due to the proposed extension of the opening hours and the impact of this cumulatively with the provision of outside seating area.
- 5.3.15 Overall, whilst the playing of music could be found acceptable during the daytime subject to conditions, it is not considered that it has been demonstrated that the extension of the opening hours, the playing of music in the evenings, and the use of the outdoor seating area would not have a demonstrable impact on the amenities of neighbouring occupiers.

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.
- 5.4.2 The parking requirement for an A3 tearoom is 1 space per 5 square metres. This results in a requirement of 20 spaces for the tea room and 3 spaces would also be required for the dwelling. 33 spaces have been shown on the block plan. They are required to measure 2.9 metres by 5.5 metres, however they range from 2.7 metres – 2.9 metres in width and 4.7 metres – 5.5 metres in length. Whilst this is noted, given that there is an excess of 10 parking spaces and the size of the parking area, it is not considered that the shortfall in some bay sizes is so harmful as to warrant the refusal of the application. It is also noted that application 14/00535/FUL originally granted

permission for the tearoom on the site and the parking was provided as part of that application, prior to the Council's current parking standards.

- 5.4.3 The extensions to the tearoom are likely to have resulted in an increase in vehicles entering and exiting the site as the tearoom can now accommodate more customers, however it is not considered that there has been such an increase in vehicle movements that this has had a significantly harmful impact on highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

- 5.5.2 There is an outside seating area to the east and west of the tearoom and the tearoom extension projects towards the garden. However, it is noted a similar situation (having seating outside) was granted under the terms of 14/00353/FUL and it is not considered the current situation is materially different in terms of the impact on the amenity space provided for the dwelling.

6. ANY RELEVANT SITE HISTORY

| Application Number | Description | Decision |
|--------------------|--|--|
| 97/00610/FUL | Proposed alterations and additions to existing dwelling | Approved |
| 97/00610/FULA | Proposed alterations and additions to existing dwelling. Amended plans - addition of utility room to side rear | Approved |
| 10/00421/HOUSE | Single storey side extension | Approved |
| 13/00641/HOUSE | Extend time limit for implementation of approval HOUSE/MAL/10/00421 (Single storey side extension) | Approved |
| 14/00535/FUL | Part change of use of dwellinghouse (C3) to tearooms (A3) | Approved |
| 19/00887/FUL | Variation of conditions 2 & 3 on approved planning permission FUL/MAL/14/00535 (Part change of use of dwellinghouse (C3) to tearooms (A3)) | Refused: <i>There has been unauthorised development on site, which facilitates the use at the site. It is considered that this application cannot be determined as a variation of conditions application under Section 73 of the Town and Country Planning Act 1990, due to the additional developments which have occurred on site since application 14/00535/FUL was granted.</i> |
| 20/00163/FUL | Section 73A (retrospective) application | Withdrawn |

| Application Number | Description | Decision |
|--------------------|---|----------|
| | for extensions and outbuildings and proposed alteration of opening hours and addition of live/recorded music. | |

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment | Officer Response |
|-------------------------------|--|------------------|
| Latchingdon Parish Council | Support – no material considerations were breached | Comments noted. |

7.2 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|---|------------------|
| Environmental Health | <p>First response - Whilst amplified music within the premises has the potential to cause adverse impacts on nearby noise sensitive receptors if left uncontrolled, I believe that conditions can be applied which offer suitable protection and allow the applicant to operate their business in the way that they have indicated they intend to. Any significant future changes to the scale or nature of the entertainment offered by the occupiers of the site will therefore have to undergo further noise assessment to ensure suitability.</p> <p>I note that an upgrade to the glazing in the 'kitchen room' has been made since the original noise assessment and planning application were made. I also note the proposed introduction of a screen to</p> | Comments noted. |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|------------------|
| | <p>help reduce noise breakout from the front door and re-installation of doors between the bar and 'kitchen room', which I support.</p> <p>The applicant indicated during a site visit on 09/11/20 that she would be happy to agree to conditions which restrict the level and location of amplified music.</p> <p>The applicant's acoustic consultant has suggested a single figure noise limit of 82dB LAeq</p> <p>In order to reduce the likelihood of adverse noise impacts, amplified music should be restricted to the bar area. External doors and windows should remain closed when amplified music is playing.</p> <p>Second response in relation to opening hours - The main entrance, courtyard seating area and external toilet are all on the east side of the building. The building itself will provide some acoustic screening to the closest residential property immediately west of the site. There is however another grassed external area which extends from the east around the north of the main building and to the area between the 'Kitchen room' and the</p> | |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|--|------------------|
| | <p>boundary of the closest residential receptor, accessible from the dining room. During winter months the potential for adverse noise impacts arising from external areas is very low but naturally increases in spring and summer, particularly in the evening and into the night-time period (after 23:00). Whilst the current owners of the business, their existing business model and management procedures may not present issues from noisy patrons, the business could conceivably change in character or be sold in its entirety to another occupier who has a different vision of how the premises should be used, at any time. Any permission granting unrestricted use of external areas at night should therefore be avoided and it might be prudent to restrict the opening hours to earlier in the evening in general.</p> | |

7.3 Representations received from Interested Parties

7.3.1 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 |
|--|---|
| Object to a late-night drinking and dancing establishment. Concerns over drink driving. | Comments noted. The proposal is not for a pub or nightclub however the impact of extending the opening hours is noted. This is not a planning consideration. |

8. REASON FOR REFUSAL

- 1 It has not been demonstrated that the proposed extension of the opening hours into the evening would not result in a detrimental impact on neighbouring sites, particularly the western neighbour Lillianess, by way of noise impacts particularly from patrons entering and exiting the site, and the consequent effects from access to, and the use of, the external seating area. The impact would be exacerbated by the playing of live and amplified music in the late hours. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.