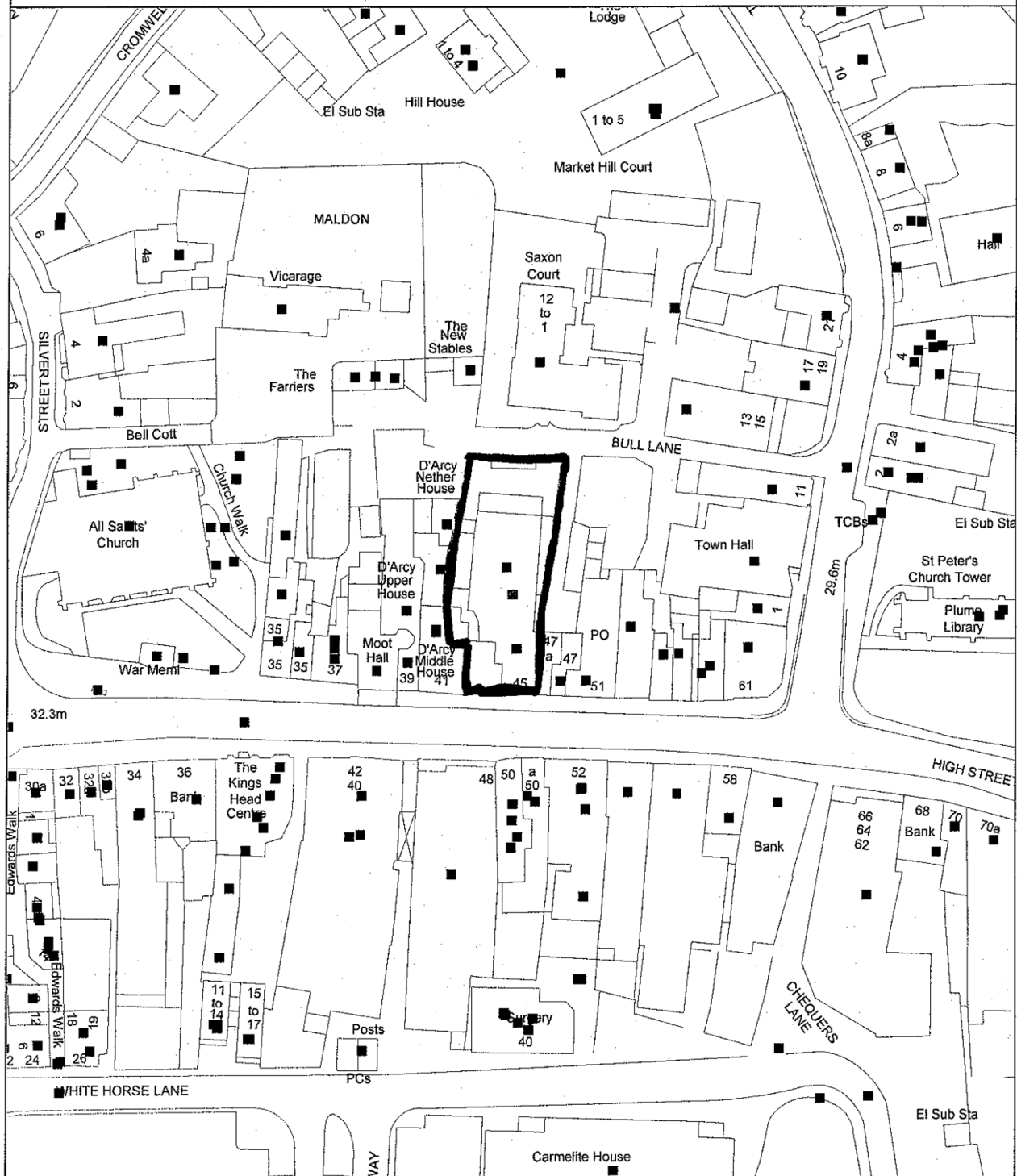



43 - 45 High Street Maldon

LBC/MAL/12/00610



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	Scale:	1:1000
	Organisation	Maldon District Council
	Department	Planning
	Comments	
	Date	11 February 2013
	MLA Number	100018588

C2 LBC/MAL/12/00610 MALDON NORTH

Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings.

43 - 45 High Street, Maldon, Essex, CM9 5PF

Applicant:- JD Wetherspoon PLC

Agent:- Harrison Ince Architects LLP

1 Site Description

- 1.1 The application site is located on the northern side of the High Street in the Town Centre of Maldon. The site is situated in a key central location surrounded by retail, shops and café/restaurant uses in the High Street. The site is identified within the Core Retail Area and the Maldon Conservation Area. No. 43-45 High Street offers the largest available retail floor space in the Core Retail Area.
- 1.2 The application building is a brick built structure with three storeys to the High Street elevation and large hall to the rear. The building was formerly used as a Post Office with the rear hall used as a sorting office and constituted a Class A1 retail use. The building was built in 1860 of yellow stock brick with dressings of stone and white brick with hipped slate roof.
- 1.3 The building is Grade II Listed. Its special interest is derived from its architectural and historic interest. There are a variety of historic buildings in the immediate vicinity and their various uses contribute to the vibrancy and vitality of the centre of town and to its special character and appearance.
- 1.4 To the rear of the building there is a narrow road known as 'Bull Lane', which is a private road that serves rear access to the building for vehicular traffic. Also along this access road there are residential properties comprising of flatted developments.

2 The Proposal

- 2.1 The Post Office building was purchased by Mackays (clothing store) in March 2007 for the purpose of utilising the former post office counters and sorting office (rear hall) for their retail function. Planning Permission and Listed Building Consent was obtained for the Mackays retail use and further applications granted listed building consent to alter the internal layout (losing historic fabric) for their approved retail use and corporate layout. Mackays remain the owner of the freehold of the listed building.
- 2.2 Listed Building Consent is sought for the redevelopment of the former Post Office building which is currently disused into an A4 drinking establishment to be occupied by JD Wetherspoons. The existing shop front of the building is to be retained. The proposal includes the refurbishment of existing ground, first and second floors, including the creation of 70m² of additional floor space through the construction of a

new internal mezzanine floor within the double height space of the former sorting office at the rear. Access to the premises would be from the High Street.

- 2.3 It is proposed to turn the ground floor of the front section and the existing hall to the rear of the building into a large customer area, with a bar midway along the eastern wall of the hall. A kitchen is proposed at first floor level in the middle of the building, over part of the proposed customer area in the hall. The toilets are to be located at first floor level at the front of the building overlooking the High Street. The office, staff room and cooled store are to be located at second floor level, also overlooking the High Street.
- 2.4 The proposal further includes new hoist in a brickwork shaft, measuring 7.8m in height, 1.8m in depth and 1.85m in width (sitting below eaves height of the building) to the rear elevation, the erection of a close boarded fence forming refuse and delivery yard enclosure with a maximum height of 2.4 metres, the application of film to existing windows, the infill of 2no existing windows on the rear elevation, the re-opening of the former arched doorway on the front elevation, the insertion of new double doors and the replacement of the existing main entrance door.
- 2.5 The scheme has been revised after consultation with Officers to exclude the proposed beer garden and glazed canopy. The rear yard area would now only be used for taking deliveries and access by staff to the refuse area.

2.6 Applicant's Supporting Information

- 2.6.1 The applicant states that the development would ensure the future of the building, which is at present deteriorating. Its re-use will be of benefit to the community. Alterations of some parts of the building will enable the sustainability of the use of the building but the most important street facing elevation of the building will not be affected by the proposal. The applicant is of the view that their scheme is a carefully considered one that enables the building's character to be retained and not damaged by the alterations to allow full re-use of the building. Currently the site is on the EEC at risk Register under Category C 'slow decay; no solution agreed.'

3 Relevant Planning History

- **FUL/MAL/07/00426** - Retail development including rear extension and internal re-organisation/alterations to include new rear first floor and new front doors. Approved 19.06.2007
- **LBC/MAL/07/00427** - Retail development conversion with rear extension and internal alterations including new rear first floor and new front doors. Approved 19.06.2007
- **FUL/MAL/08/01038** - Proposed alterations to existing retail area and conversion of ground floor and upper floor to 5 flats. Refused -13.11.2008
- **LBC/MAL/08/01061** - Proposed alterations to existing retail area and conversion of ground and upper floors to 5 flats. Refused - 13.11.2008
- **FUL/MAL/08/01092** - Change of use to a coffee shop (mixed A1/A3). Withdrawn

- **LBC/MAL/09/00549** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear. Approved 21.08.2009
- **FUL/MAL/09/00550** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear. Approved 21.08.2009
- **FUL/MAL/11/01110** - Change of use of premises from A1 to A4 (Public House). Proposed extension and alterations to existing building, including single storey extension to rear side elevation; provision of mechanical extract flue, input air equipment and condensers to rear; new hoist in brickwork shaft to rear elevation; rear beer garden including new hard and soft landscaping; erection of 2m high close boarded fence forming refuse and delivery yard enclosure; application of film to existing windows as indicated on drawings; bricking up of door at first floor on rear elevation; infill of 2no. Existing windows on rear elevation; re-opening of former arched doorway on front elevation and insertion of glazed window in same; replacement of existing main entrance door, and various internal alterations as indicated on the drawings. Withdrawn.
- **LBC/MAL/11/01111** - Proposed extension and alterations to existing building, including single storey extension to rear side elevation; provision of mechanical extract flue, input air equipment and condensers to rear; new hoist in brickwork shaft to rear elevation; rear beer garden including new hard and soft landscaping; erection of 2m high close boarded fence forming refuse and delivery yard enclosure; application of film to existing windows as indicated on drawings; bricking up of door at first floor on rear elevation; infill of 2no. Existing windows on rear elevation; re-opening of former arched doorway on front elevation and insertion of glazed window in same; replacement of existing main entrance door, and various internal alterations as indicated on the drawings. Withdrawn.
- **FUL/MAL/12/00609** - Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2.4m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in. Pending Consideration.

4 **Consultation Replies**

Parish Council

Maldon Town Council - No objection subject to conditions:

- no public access or egress from the beer garden into Bull Lane at any time, except in an emergency, to protect the residents of Bull Lane
- the beer garden is closed by 22:00 hours every night of the year
- closing times for the main building: Monday – Thursday 00:30 hours (the following day); Friday and Saturdays 01:00 hours (the following day); Sundays 23:00 hours.

External

English Heritage – Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of MDC's expert conservation advice.

Internal

Senior Conservation and Urban Design Officer – No objections as majority of concerns have been addressed although the plethora of boiler flues, extraction grilles and extraction systems need to be managed by condition. A more sensitive approach is required to reduce the physical and visual impact on the listed building.

Conditions also suggested relating to repairs to brickwork, details of construction of the mezzanine floor, brickwork, bond and mortar detail of the brickwork shaft, hard landscaping details, details of the proposed front entrance door, fencing to be timber only, and rainwater goods to be cast metal only.

5 Letters of Representation

Letters of Objection:

Cllr Michael Pearlman Oakwood House 2 High Street Maldon
Nicola Timson 253 Mundon Road Maldon Essex
Christopher Tibballs 28 Downs Road Maldon Essex

Main reasons for Objection:

- JD Wetherspoon would be selling alcohol at bargain prices which could lead to more noise and trouble in an already noisy and troublesome area.
- Maldon doesn't have the infrastructure, i.e. police, ambulance, bus routes etc. to cater for so many people.
- Public building will be out of reach to many sections of the community.
- The modern additions and changes to the exterior will destroy the aesthetics of an historical building.
- There will be logistic problems for deliveries as Bull Lane is narrow and only wide enough to allow one car at a time. There are no turning facilities for vans/lorries.
- Deliveries at the front of the building could dangerously block the high street close to the pedestrian crossing and along the mini-roundabout.
- Bull Lane is a quiet lane where noise could be an issue for most people living there.
- Wetherspoon pub would be totally unsuitable to a really lovely town, one of the few left with an unspoilt, unique character.
- Wetherspoon will ultimately be detrimental to the town.
- Why would we want to turn this unique, individual town into a carbon copy of every other town up and down the country? People are not going to come to Maldon if it has nothing to offer but somewhere to eat. They can find Costa Coffee, Wetherspoon, Prezzo etc. in their own towns.
- The arrival of Wetherspoon will shut down a lot of the independent pubs and eateries that help to give Maldon its unique identity.

- There are quite enough drinking/eating establishments in Maldon High Street and within the surrounding area. Several local pubs have had to close or change their usage over the past few years as it is.
- Wetherspoon is a large chain and Maldon must maintain its local feel if it is to remain unique.
- The noise pollution would drive people working in the offices opposite the doors to the proposed pub away.
- This building should be a hotel/hostel bringing outside trade to our historic town.
- Maldon is a quite individual town. Such an establishment is out of place in our High Street.
- The size of the business will require vast deliveries. Butt Lane is too narrow. Deliveries to Wetherspoon will take a long time, leading to major disruptions to other users of Bull Lane, including the emergency services.
- Butt Lane is a private road and is already suffering from the weight of refuse lorries. Building work will necessitate large lorries delivering building materials. Can Wetherspoon be required to make good the road once the building work is finished and is it possible to put a weight and width restriction on lorries using the road?
- Large lorries have problems turning left into Bull Lane, causing damage to the unoccupied building at 11 Market Hill.
- The glass in the large windows to the side of the building should be replaced with obscure glass in order to preserve the privacy to the rear courtyard used by a neighbouring property.
- The noise from a licensed premise late at night will be of great concern to the neighbouring residents as the opening hours are far too extensive.
- Condensers are to be placed on the flat roof outside the bedroom of Darcy Middle House, Bull Lane (part of 41 High Street), discharging fumes and noise directly into the room, making it impossible to have the bedroom window open.
- The change of use will severely upset the tranquil setting.
- The building is a Grade II listed building of historical and cultural value built as a Public/Community Hall.
- The proposal would have an adverse effect on the local businesses, nearby pubs, cafes and eating places and despite stating the change would bring employment to the area it would also cause loss of jobs and a detrimental effect on local small businesses as well as having an impact on the individuality of our High Street.
- There would also be an impact on traffic congestion on market Hill and safety issues.
- Adequate parking facilities would be required which cannot be provided within the area.
- The proposal would have an adverse effect on local residents and nearby businesses in the heart of Maldon.
- The application fails to make good use of the whole of the building.
- Saxon Court residents who look out over Bull Lane onto the application site are going to be severely affected if its use gives rise to noisy activity.
- Bull Lane is in a poor condition due to use by HGV's in recent years.
- Such a premises is likely to attract 'the wrong people, at the wrong time of the day'.

- A rear access could become a short cut for customers to get to the High Street or to Market Hill. This would add a whole other dimension to the concerns for the residents of Bull Lane.
- Late opening, with even later clearing up (e.g. bottles emptied into bins etc.) would cause a huge amount of disruption.
- Although neighbours have to contend with the noise of a busy High Street, come the evening their environment is peace and quiet.

Letters of Support:

Ronald & Jill Smith 20 Coopers Avenue Heybridge Maldon

Linda Passingham 14 The Courtyard Spital Road Maldon

Mrs R Smith 75 Cedar Chase Heybridge Maldon

Main reasons for Support:

- Wetherspoon pubs cater for a wide range of customers, being popular with young and older people alike.
- They offer a wide choice of drinks and food at affordable prices that differs from, and exceeds anything currently available elsewhere in Maldon.
- Wetherspoon has a proven track record of converting older buildings to a high standard and in keeping with their surroundings, and then maintaining them in good order.
- In the current unfortunate economic climate, the planning application offers the prospect of much needed employment.
- The planning application also offers a financially viable use for the building from the point of view of local tax payers. It avoids the risk of this large building deteriorating further.
- Food and drink prices are reasonable with satisfying quality and quantity.
- Residents travel to other places to visit Wetherspoon, if there is one in Maldon then their money will be spent directly in Maldon.
- Wetherspoon provide a good standard of catering at reasonable prices.
- Their business should provide a much needed lift to the High Street and an obvious use for this splendid old building.
- Wetherspoon would be a benefit to Maldon and the surrounding areas and would be beneficial in attracting new visitors to Maldon.
- Competition in the High Street can only be a benefit to customers who should have a choice where to take their business.
- There would be a significant number of jobs providing opportunities for the younger people of Maldon seeking employment.
- The Old Post Office has been closed for some five years and no other company seems to have wanted to invest in the property. Wetherspoon would be paying their share of local and national taxes, rents and rates and the property would be maintained to a good standard.

6 Assessment of Proposal

Policy Issues

- (i) **Relevant Development Plan Policies**
Adopted Maldon District Replacement Local Plan

- **BE1 - Design of New Development and Landscaping** - Development will only be permitted if it is compatible with its surroundings and meets defined criteria.
- **BE13 - Development in Conservation Areas** - Will only be permitted if design is of high standard with respect to surrounding buildings, spaces and views.
- **BE16 - Extensions, Alterations and Additional Buildings in the Curtilage of Listed Buildings** - Will only be permitted if satisfied that the proposal will not harm the character or setting of the Listed Building.

(ii) Maldon District Local Development Plan

The Council agreed the approach for progression and production of a Local Development Plan for the Maldon District on 21 July 2011. This follows the reforms being introduced to the planning system by the Government, including the Localism agenda, and subsequent discussions with elected Members. The Local Development Plan will be based largely upon the existing draft Core Strategy document, but there will be amendments and additions to certain aspects of the Plan.

Once adopted, the Local Development Plan will supersede the Maldon District Replacement Local Plan ‘saved policies’ as the statutory Development Plan for the District. In the meantime, the National Planning Policy Framework states that the Replacement Local Plan ‘saved policies’ can continue to be given due weight according to their degree of consistency with the Framework (the closer the saved policies in the plan to the policies in the Framework, the greater the weight that may be given). The East of England Plan formerly was part of the statutory Development Plan for the District, was revoked on 3 January 2013. The Local Development Plan will have to be in conformity with National Planning Policy. The Local Development Plan will have to be in conformity with National Planning Policy.

The “Local Development Plan Preferred Options” consultation document was published on 10 July 2012. This document carries limited weight but can be referred to as a material consideration.

(iii) Government Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published by the Government on 27 March 2012 and came into immediate effect. The NPPF provides the national planning guidance and forms a material consideration with all planning applications. This document supersedes all Planning Policy Guidance notes and Planning Policy Statements as well as other certain government publications listed within Annex 3 of the NPPF. Notwithstanding this, the NPPF grants a period of one year’s grace for existing adopted Maldon District Replacement Local Plan policies and reference to policies in the adopted Maldon District Replacement Local Plan therefore remain material considerations.

6.1 Principle of Development

- 6.1.1 The application building is Grade II listed. It has been on the County Council’s Heritage Asset at Risk Register under Category C (‘Slow decay, no solution agreed’) since 2011 on the basis that the building is vacant and has not been brought back into

a viable use. The Condition on the Risk Register is identified as 'Fair'. The Conservation Team advises that the building is not actively deteriorating and the owner has taken remedial action readily where it has been identified.

- 6.1.2 The NPPF in Paragraph 131 states that in determining applications local planning authorities should take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation;”. This is re-iterated in Paragraph 132. Further, in Paragraph 140 it is stated that in determining applications local planning authorities “should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”
- 6.1.3 Whilst to date, there has been no substantial harm to the architectural and historic interest of this heritage asset as a consequence of its long term vacancy, there is no surety that this will continue to be the case. Further, the longer the building remains without a viable use the greater the risk to its longer term survival.

6.2 Design of Development

- 6.2.1 The applicant has sought to show that the conversion of the building would be undertaken in a sensitive manner that would not harm the listed building. The Conservation Team acknowledge this and do not object on the basis of the conversion works themselves. The ground floor of the building would be utilised by customers centralised around a new bar. The provision of toilets and other ancillary accommodation, including the kitchen at a newly created mezzanine level, would be at first floor and above. The proposed brickwork shaft to house the new hoist would be located at the rear, sited below the eaves height of the main building and screened to some degree by the former sorting office. The Conservation Officer has noted that the proposed extraction and ventilation equipment would need rationalising but is satisfied that this could be adequately dealt with by condition in the event that planning permission is granted.

6.3 Impact Upon the Character and Appearance of the Area

- 6.3.1 The scheme would see the façade of the building retained with a new set of double doors inserted at street level, mirroring the existing entrance doors. It is proposed to obscure some windows at first level and above with film but the openings would remain in situ. The appearance on the High Street would remain as at present, in fact it could be argued that improvements may result, particularly with the reinstatement of the entrance doors. The visual impact on the High Street could be considered to be positive.
- 6.3.2 At the rear of the building, emergency exit doors and sliding doors are proposed at ground floor. There would be no general access into the rear yard under the revised scheme but the sliding doors would facilitate light into the back of the building. No objections are raised to this or other elements at the rear such as the brickwork shaft to house the proposed hoist. In the yard it is proposed to erect 2.4m high fence screen to enclose the refuse area. This would be located internally within the yard area which is already contained by a brick wall its impact would therefore be limited when viewed externally from Bull Lane.

6.4 Conclusion

- 6.4.1 Having taken all the elements referred to above into account, no objections are raised to the proposed alterations and extension to the listed building and on this basis the application is recommended for approval.

Recommendation

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 2 No development shall commence until full details of the new brickwork, including brick type, the bond, mix and colour of the mortar and joint profile of the external hoist housing hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
REASON: In order to protect the architectural and historic interest of this listed building and character of the conservation area in accordance with policies BE1, BE13 and BE16 of the adopted Maldon District Replacement Local Plan.
- 3 All new rainwater goods shall be of cast metal with a black painted finish unless otherwise agreed in writing by the local planning authority and retained as such thereafter.
REASON: In order to protect the architectural and historic interest of this listed building and character of the conservation area in accordance with policies BE1, BE13 and BE16 of the adopted Maldon District Replacement Local Plan.
- 4 Notwithstanding the details shown on approved drawing no. AV01 Rev F no extraction, flues, grills or ventilation systems shall be installed and operated until details of equipment for the suppression of fumes, odours and/or dust including details of noise attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority. The operation shall not take place other than in accordance with these approved details.
REASON: In order to protect the architectural and historic interest of this listed building and the character of the conservation area in accordance with policies BE1, BE13 and BE16 of the adopted Maldon District Replacement Local Plan.
- 5 The new entrance door hereby permitted and as indicated on approved drawing no AV01 Rev F shall match the existing entrance door in terms of design, detailing and design.
REASON: In order to protect the architectural and historic interest of this listed building and character of the conservation area in accordance with policies BE1, BE13 and BE16 of the adopted Maldon District Replacement Local Plan.
- 6 No repointing of brickwork, consolidation of stonework, abrasive or chemical cleaning methods shall be used on any stonework or brickwork, unless a written scheme is first otherwise agreed in writing by the local planning authority. Any scheme to be submitted for approval shall specify:-
 - i) With exposed brickwork the areas to be repointed and/or cleaned and the cleaning method

- ii) With exposed stonework including slate and marble slabs the features to be consolidated and/or to be cleaned and the cleaning method

The development shall be carried out in accordance with the details as approved.

REASON: In order to protect the architectural and historic interest of this listed building in accordance with policies BE1 and BE16 of the adopted Maldon District Replacement Local Plan.

- 7 No development shall commence until details have been submitted to and approved in writing by the local planning authority setting out how the mezzanine floor hereby permitted will be constructed structurally independent of the structure of the listed building. The development shall be carried out in accordance with the details as approved.

REASON: In order to protect the architectural and historic interest of this listed building in accordance with policies BE1 and BE16 of the adopted Maldon District Replacement Local Plan.

REASON FOR APPROVAL

The proposed development is not considered to have a detrimental effect on the special architectural and historic interest of this listed and on this basis is considered acceptable as it accords with policies BE1, BE13 and BE16 of the adopted Replacement Local Plan and the National Planning Policy Framework.

Enquiries to: Debi Bunkell, TEL: 01621 875740