

APOLOGIES Committee Services  
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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

24 May 2021

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 2 JUNE 2021 at 7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

**COMMITTEE MEMBERSHIP:**

CHAIRMAN	Councillor M R Edwards
VICE-CHAIRMAN	Councillor Mrs J C Stilts
COUNCILLORS	Miss A M Beale
	M S Heard
	B B Heubner
	K M H Lagan
	C Mayes
	C Morris
	S P Nunn
	N G F Shaughnessy
	C Swain





**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

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**WEDNESDAY 2 JUNE 2021**

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 21 April 2021, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **21/00230/HOUSE - 87 Fambridge Road, Maldon, Essex, CM9 6BQ** (Pages 11 - 18)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

6. **21/00238/HOUSE - 4 Shakespeare Drive, Maldon, CM9 6DR** (Pages 19 - 24)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

7. **21/00249/FUL - Park Drive Fitness and Squash Club, Park Drive, Maldon** (Pages 25 - 34)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

8. **21/00314/FUL - The Promenade Park, Park Drive, Maldon,** (Pages 35 - 48)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

9. **Any other items of business that the Chairman of the Committee decides are urgent**

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**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5 - 8.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

**NOTICES****Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

**Fire**

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

**Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

**Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010

## **Supplementary Planning Guidance and Other Advice (continued)**

### **ii) Essex County Council**

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### **iii) Maldon District Council**

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
21 APRIL 2021**

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**PRESENT**

Chairman	Councillor M R Edwards
Vice-Chairman	Councillor Mrs J C Stilts
Councillors	Miss A M Beale, M S Heard, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy and C Swain
In attendance	Councillors M F L Durham and N J Skeens

**378. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers and Councillors in attendance to introduce themselves.

This was followed by a roll call of all Committee Members present.

**379. APOLOGIES FOR ABSENCE**

There were none.

**380. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 31 March 2021 be confirmed.

Subsequent to that meeting Councillor N G F Shaughnessy submitted a belated non-pecuniary declaration of interest in relation to Agenda Item 5. - 20/01315/FUL- Land Adjacent Heybridge House Industrial Estate, Bates Road, Maldon, Essex as she was acquainted with the residents either side of this property.

**381. DISCLOSURE OF INTEREST**

It was noted that all Members of the Committee had a non-pecuniary interest in Agenda Item 5 - 20/01328/FUL - South West Adventure Golf Limited, Adventure Golf Course, The Promenade Park, Park Drive, Maldon, as it was Council owned land.

**382. 20/01328/FUL - SOUTH WEST ADVENTURE GOLF LIMITED, ADVENTURE GOLF COURSE, THE PROMENADE PARK, PARK DRIVE, MALDON**

<b>Application Number</b>	<b>20/01328/FUL</b>
<b>Location</b>	South West Adventure Golf Limited, Adventure Golf Course, The Promenade Park, Park Drive, Maldon
<b>Proposal</b>	Timber clad kiosk with two opening shutters, serving light refreshments.
<b>Applicant</b>	Mr Martin Devine - South West Adventure Golf Ltd
<b>Agent</b>	Mr Simon Plater - Plater Claiborne Architecture + Design
<b>Target Decision Date</b>	13.04.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

Following the Officer's presentation, the Chairman invited the Committee to ask questions and comment on the application. A debate ensued where Members raised concerns around the layout and design of the site, the need for boundary fencing, integration with the Crazy Golf site, type of food/refreshments on offer, restrictions on advertisements or illuminated signs and the location in relation to potential flood issues.

The Specialist: Development Management advised that the layout was inwards facing towards the adventure golf course and the boundary fence would remain. With reference to the food served she advised that condition 8 ensured that no primary cooking from raw food was allowed until ventilation was installed. The kiosk was sited just outside of the flood zone and the applicant had provided flood evacuation plans information that were included under condition 7.

The Lead Specialist Place referring to the issue of advertising advised that this could be addressed under an additional condition that would need to be delegated to officers in consultation with the Chairman and Ward Members.

The Lead Specialist: Development Management advised that the application followed previous applications on the site, including the approval for the main golf site which included a larger café that hadn't been built. As the wider development had been implemented, the approved café could be built at any time. The design for the kiosk would be as per the plans on the current application so from a planning perspective the application was satisfactory. The Specialist Development Management reassured the Committee that should this application be approved the applicant would not be able to build both the kiosk and the previously approved café, as they were both positioned in the same location.

Councillor Lagan felt that the building was in keeping with the surrounding area, the facility was there to support families and that this would complete the number of food outlets on the promenade. He proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Nunn.

A recorded vote was requested by Councillor Morris and seconded by Councillor Mayes. The Chairman put the proposal to approve the application to the Committee, including the condition regarding advertisement restrictions that was delegated to Officers in consultation with the Chairman and Ward Members. Upon a recorded vote being taken the results were as follows:--

For the Officer's recommendation

Councillors Miss A M Beale, M R Edwards, M S Heard, M H Lagan, S P Nunn and C Swain



Against the Officer's recommendation

Councillor C Mayes, C Morris, N G F Shaughnessy and Mrs J C Stilts

Abstentions

None

**RESOLVED** that the application be **APPROVED** subject to the aforementioned delegated condition together with those listed below:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents: 2025/loc01 Rev A, 2025/02, Q033570-CU, 5035-SERV
- 3 The materials used in the development hereby approved shall be as set out within the plans/application form hereby approved.
- 4 The development hereby permitted shall only be open to the public between 10:00 hours and 18:00 hours Monday-Sunday inclusive, including Public Holidays.
- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 6 The surface water and foul drainage connections shall be undertaken as shown on plan 2025/02 and shall remain as such in perpetuity.
- 7 The development shall be carried out in accordance with the flood evacuation measures contained within the Flood Risk Assessment February 2021.
- 8 The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless a scheme for ventilation has been installed in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. The ventilation scheme shall be retained as approved in perpetuity. Reason: In the interests of the amenity of the occupiers of neighbouring properties in accord with Policy D2 of the Maldon District Approved Local Development Plan and the NPPF.
- 9 Deliveries to the site shall only be undertaken between 08:00 hours and 18:00 hours Monday to Friday and at no time at weekends or Bank Holidays.
- 10 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 11 Prior to the first use of the development hereby approved, details of all proposed external illumination of the site shall have been submitted to and approved in writing by the local planning authority. All illumination within the site shall be installed, maintained and retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

The meeting closed at 7.31 pm.

M R EDWARDS  
CHAIRMAN

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
28 APRIL 2021**

<b>Application Number</b>	<b>21/00230/HOUSE</b>
<b>Location</b>	87 Fambridge Road, Maldon, Essex, CM9 6BQ
<b>Proposal</b>	Demolition of existing single storey lean-to extensions and the erection of a single storey rear extension with alterations to internal layout, the installation of a rear facing dormer and rooflights.
<b>Applicant</b>	Mr Nigel Harmer
<b>Agent</b>	David Rust
<b>Target Decision Date</b>	06.05.2021
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>MALDON SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**87 Farnbridge Road, Maldon**  
**21/00230/HOUSE**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	07/04/2021
	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the eastern side of Fambridge Road within the settlement boundary of Maldon. The building on site is a two storey semi-dwelling finished in red brick. The surrounding area is residential with dwellings of varying styles.
- 3.1.2 Planning permission is sought for the demolition of the existing single storey rear projections and the erection of a single storey rear extension which would include a door in the northern elevation and bi-fold doors in the eastern elevation. Permission is also sought for the installation of a rear facing dormer and front and rear rooflights.
- 3.1.3 The proposed rear extension would measure 5.7 metres in width and 5.7 metres in depth with an eaves height of 2.8 metres and a ridge height of 3.9 metres.
- 3.1.4 The rear dormer would measure 1.7 metres in width and 3.3 metres in depth with an eaves height of 1.4 metres and a ridge height of 2 metres, whilst the proposed front and rear roof lights would measure 0.9 metres in width and 0.8 metres in height.
- 3.1.5 It is also noted alterations are to be made to the rear first floor windows, reducing their size to allow for the pitched roof of the rear extension.
- 3.1.6 The materials are off white coloured render to the proposed rear extension and Eternit slate tiles. Details of the proposed windows and doors have not been submitted, therefore if the application was to be approved a condition would be imposed requiring these details to be submitted.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by reason of its location and design would not harm the character or appearance of the dwelling or the locality and due to its relationship with the adjoining properties, would not result in any undue harm by way of overlooking or loss of amenity. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with the relevant policies contained within the Local Development Plan (LDP).

### **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:**

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

- 5.1.1 The principle of extending and altering the existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved 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 National Planning Policy Framework (NPPF). Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The proposed development would involve the creation of a single storey rear extension, a rear dormer and two rooflights, one to the front roofslope and one to the rear roofslope. The surrounding area is characterised by dwellings of varying styles and designs. A number of which, when viewed from the rear, have a variety of extensions and alterations, including dormers, of varying heights, styles and designs, as a result there are no consistent design features to the rear of the dwellings.
- 5.2.5 The proposed rear ground floor extension would be a large addition to the dwelling, projecting 5.7 metres from the rear of the dwelling with a gable roof design. The proposed development would replace two existing flat and pitched roofed single storey extensions. Extensions to the rear of the pair of semi-detached dwelling appears to be a common feature, with the neighbouring dwelling having a flat roofed single storey extension and a two storey rear extension. The proposed development would project a further 3.2 metres beyond the existing projections and beyond the neighbouring rear projections and due to its design would appear higher than the neighbouring flat roofed extension. Due to the development being to the rear of the dwelling, views of the extension would be shielded from the public realm. Whilst the

rear extension would be a large addition due to the eclectic mix of extensions at other properties and due to the limited impact on the public realm it is considered the proposed rear extension would not result in detrimental harm to the appearance of the host dwelling or the streetscene.

- 5.2.6 The proposed dormer would be a small addition to the rear roof slope, allowing for a bedroom to be created within the roof space. The dormer would project from the ridge of the main dwelling with a pitched roof design to match that of the rear extension, with the window being in line with the first-floor window below. Due to its position the dormer would not be highly visible from the streetscene, additionally, rear dormers, of a similar scale, can be constructed under permitted development rights and therefore no objections are raised to the proposed dormer.
- 5.2.7 The proposed alterations to the rear windows at first floor level and the installation of rooflights are not considered to harm the character and appearance of the dwelling or the locality.
- 5.2.8 It is therefore considered, the development by reason of its scale, design and appearance, would not result in demonstrable harm to the character and appearance of the existing dwelling and would therefore be 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).
- 5.3.2 The application site is bordered by two dwellings, No's 85 and 89 Fambridge Road and a residential care home, 'Longfield Home'.
- 5.3.3 The rear extension would be located 2.3 metres from the boundary shared with the neighbouring dwelling to the north, No.85 Fambridge Road and the same distance from that neighbouring dwelling. A door is proposed in the northern side elevation of the rear extension, and doors within the eastern elevation facing the garden; as they are located at ground floor, there would be no material impact on the amenity of the adjoining neighbour to the north due to the existing boundary fence and therefore the rear extension would not result in overlooking of the neighbouring amenity space. Furthermore, due to the single storey nature of the extension it is considered the development would not result in overshadowing of the neighbouring dwelling. Additionally, it is considered the views from the rear dormer would not be materially dissimilar from that afforded at first floor rear level, and it is noted a large rear dormer exists two doors south of the subject property. Furthermore, the dormer is of a size which could be constructed under permitted development. Having regard to the above, there is no objection to the extensions to the rear of the property due to acceptable design and minimal impact on the amenity of neighbouring properties.
- 5.3.4 The development would be situated 0.2 metres from the boundary shared with the adjoining dwelling to the south, No.89 Fambridge Road and 0.4 metres from that same dwelling. Whilst the proposed development would project 5.7 metres from the rear of the dwelling, the two neighbouring dwellings currently have existing rear projections of 2.5 metres. It is noted the proposed development would project a further 3.2 metres, however it is considered due to its single storey nature the development would not appear overbearing and due to there being no windows proposed in the southern elevation the extension would not result in overlooking of

the neighbouring private amenity space. In regard to the proposed rear dormer, it is considered the main views from this window would be of the garden to the rear of the host dwelling and therefore any views of the neighbouring amenity space would be minimal. It is therefore considered the dormer would not detrimentally impact upon the amenity of the neighbouring occupiers.

5.3.5 The development would be situated 21.7 metres from the boundary to the east shared with 'Longfield Home'. Due to the separation distance it is considered the proposed development would not result in overlooking or overshadowing of the neighbouring building.

5.3.6 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

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

5.4.1 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.

5.4.2 Due to alterations to the internal layout of the dwelling no additional bedrooms are being created and due to the position of the proposed development, the development would have no impact upon car parking requirements on site. The site provides hard standing to the front of the property that has the potential to accommodate two reasonable sized cars and therefore, no objection is raised in relation to traffic and transport issues.

#### **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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three bedrooms or more.

5.5.2 Whilst the proposed development would reduce the size of the garden it would not result in the level of private amenity space being below the minimum standard recommended in the SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP.

### **6. ANY RELEVANT SITE HISTORY**

6.1 There is no relevant planning history for this site.

### **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	Support	Noted



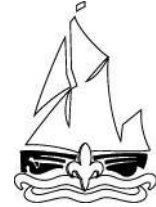
## 7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Cadent Gas	No objection to the proposal.	Noted

## 8. **PROPOSED 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 be carried out and retained in accordance with the following approved plans and documents: HARMER/01/A, HARMER/02, HARMER/03-PA, HARMER/04-PA Rev D, HARMER/05  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Notwithstanding the details submitted with the application, the materials used in the windows and doors shall match those used in the host dwelling. All other materials shall be as set out the application form/plans hereby approved.  
REASON: In the interest of the character and appearance of the area in accordance with policies D1 and H4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
2 JUNE 2021**

<b>Application Number</b>	<b>21/00238/HOUSE</b>
<b>Location</b>	4 Shakespeare Drive, Maldon, CM9 6DR
<b>Proposal</b>	Proposed single storey rear extension, alterations to roof of existing rear projections and addition of rooflights
<b>Applicant</b>	Mr Dave Sturdy
<b>Agent</b>	Mr Mark Morgan - Petro Designs Ltd
<b>Target Decision Date</b>	03.05.2021
<b>Case Officer</b>	Jade Elles
<b>Parish</b>	<b>MALDON SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**4 Shakespeare Drive, Maldon**  
21/00238/HOUSE



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Maldon District Council 100018588 2014



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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee Area
Date:	15/04/2021
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the south eastern side of Shakespeare Drive within the settlement boundary of Maldon. The building on site is a two-storey semi-detached dwelling finished in part cladding and part brick. On the east side of the dwelling is an attached annexe with a separate entrance built up to the boundary with No. 6 Shakespeare Drive. The surrounding area is residential with dwellings of similar designs.
- 3.1.2 Planning permission is sought for a single storey rear extension with the existing flat roof being raised to match the new extension. An existing window that gives natural light into the kitchen of the annexe is proposed to be removed, but a rooflight will be installed in replacement of the window to provide light. Two other rooflights will be installed on the proposed extension.
- 3.1.3 The proposed rear extension would measure 5.7 metres in width and 3.3 metres in depth with an eaves height of 2.8 metres and a maximum height of 3 metres to the top of the roof lantern. The roof of the existing annexe will be raised by 0.1 metres and an additional rooflight added which will result in an overall height of 3 metres to the top of the roof lantern. It has a stepped rear wall which will align with the rear wall of the existing extension to the neighbouring property to its west.
- 3.1.4 The extension will be constructed of brick with a flat roof. The windows and Velux rooflights will be constructed of UPVC and the bi-fold doors will be made of aluminium.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by reason of its location and design would not harm the character or appearance of the dwelling or the locality and due to its relationship with the adjoining properties, would not result in any undue harm by way of overlooking or loss of amenity. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with the relevant policies contained within the Local Development Plan (LDP).

### **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:**

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD (2017)
- Maldon District Vehicle Parking Standards SPD

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

- 5.1.1 The principle of extending and altering the existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved 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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The design of the development would have a flat roof, bi-fold doors within the rear elevation and a full height window to the set back element of the rear elevation. It is noted that the single storey rear extension of itself would be a relatively minor addition to the dwelling. The annexe is an existing structure which extends beyond the proposed development, but the proposed extension would not be dissimilar to the extension existing at No:2 and is of a more acceptable domestic scale. The height of the annexe would be raised from its existing height at 2.7 metres to 2.8 metres. There would be a noticeable increase in built form along the boundary to number 6. However, given that built form currently exists along the boundary, it is considered the development, including the minor increase in height to the annexe, would not detrimentally impact upon the appearance of the host dwelling nor the character of the area materially beyond the existing built form. Furthermore, due to the development being to the rear of the dwelling, views of the extension would be shielded from the public realm. It is therefore considered the proposed rear extension would not result in detrimental harm to the appearance of the host dwelling

or the streetscene and would therefore be 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).
- 5.3.2 The application site is bordered by 3 dwellings, Nos 2 and 6 Shakespeare Drive and No.31 Wordsworth Avenue.
- 5.3.3 The development would be located 2.7 metres from the boundary shared with the neighbouring dwelling to the east, No.6 Shakespeare Drive and 5.3 metres from that neighbouring dwelling. The development, including the raised height of the annexe is sufficiently set back from the main house at No 6 so as to not have an impact on that property by way of overbearingness or shadowing. Furthermore, the garden to No 6 is long and wide. The minor increase in height to the annexe would not materially impact on the amenity of that neighbouring property in terms of loss of light or overbearingness. It is noted the main part of the extension would not be seen from No, 6. as such, due to the single storey nature of the extension including the increased height to the annexe, it is considered the development would not result in overshadowing of the neighbouring dwelling at No.6.
- 5.3.4 The development would be situated on the boundary shared with the adjoining dwelling to the west, No.2 Shakespeare Drive. The proposed development would project 3.3 metres from the rear of the dwelling. As noted above, the neighbouring dwelling also has an extension and the proposed extension will be in line with that existing extension to No.2. Due to its similar depth and single storey nature the development would not result in any impacts of overbearingness. There are no issues of overlooking as the development is single story and views are to its own rear garden.
- 5.3.5 The development would be situated 14 metres from the boundary to the south shared with No.31 Wordsworth Avenue. Due to the separation distance the proposed development would not result in any impacts on that neighbouring building.
- 5.3.6 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

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

- 5.4.1 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.
- 5.4.2 The extension would not impact upon car parking provisions at the site due to the development being located to the rear of the host dwelling and no additional bedrooms are proposed therefore, the development is in accordance with the Maldon District Parking Standards SPD and policy D1 of the LDP.

### **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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three bedrooms or more.

- 5.5.2 Whilst the proposed development would reduce the size of the garden it would not result in the level of private amenity space being below the minimum standard recommended in the SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP.

## 6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
<b>MAL/380/80</b>	Alteration and extension	Approved

## 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 response	

## 8. **PROPOSED CONDITIONS**

- 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).
- The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: 1135 01, 1135 02B.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- The materials used in the construction of the development hereby approved shall be as set out within the application form.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be constructed in the eastern side elevation of the development hereby permitted without planning permission having been obtained from the local planning authority.  
REASON To protect the amenity of the neighbouring occupiers and also the future occupiers of the dwellinghouse known as No.6 Shakespeare Drive, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
2 JUNE 2021**

<b>Application Number</b>	<b>21/00249/FUL</b>
<b>Location</b>	Park Drive Fitness And Squash Club Park Drive Maldon
<b>Proposal</b>	Proposed all-weather cover to existing padel courts, proposed new show court and office / change area
<b>Applicant</b>	Mr Richard Hall-Smith – Go-Padel
<b>Agent</b>	Mr Chris Robards – Ridgeway Building Design Ltd
<b>Target Decision Date</b>	07 June 2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

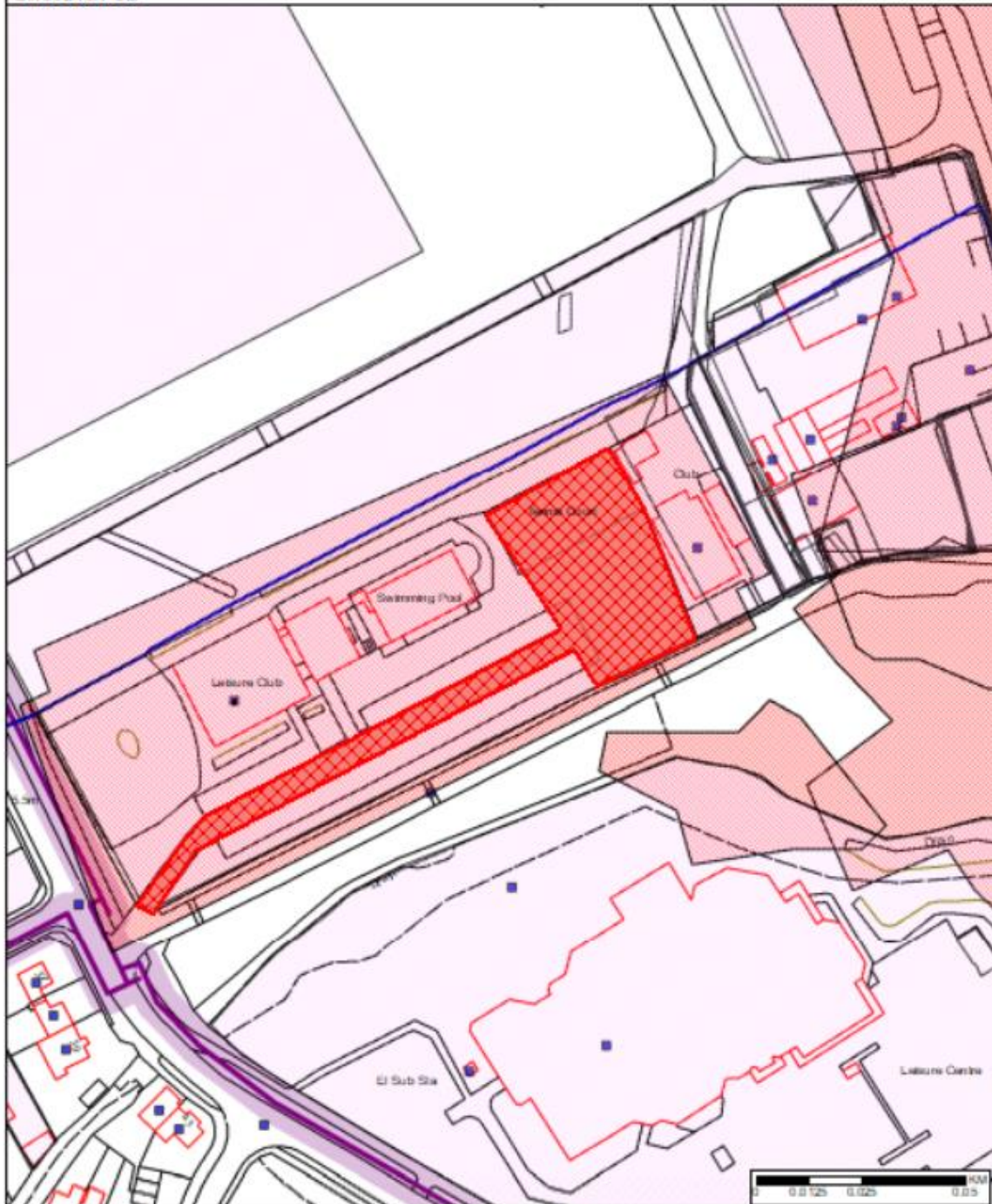
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**Park Drive Fitness and Squash Club, Maldon**  
**21/00249/FUL**



 <p><b>Copyright</b>  For reference purposes only.  No further copies may be made.  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. It is Crown Copyright.  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	05/05/2021
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located within the grounds of the Park Drive Fitness and Squash Club on the north-eastern side of Park Drive. To the north-west and north-east is Promenade Park with a group of portacabins located immediately to the north-east of the site. To the east is the Council's recycling centre and associated accessway. Beyond the accessway is the Blackwater Leisure Centre. On the opposite side of Park Drive are residential properties.
- 3.1.2 The site lies within the Leisure Quarter as identified in the Maldon and Heybridge Central Area Masterplan. Although Promenade Park is not a nationally Registered Park and Garden, it is identified in the Local Development Plan (LDP) as a local Historic Park and Garden and is, therefore, a non-designated local heritage asset.
- 3.1.3 Planning permission is sought for an all-weather cover to the three, existing padel courts, a new show court and a building to accommodate an office / changing area.
- 3.1.4 The building proposed would measure 7.4m x 4.8m with a mono-pitched roof with a maximum height of 2.9m. The building would accommodate an office/reception, two changing rooms, two toilets and a store. The external walls of the building would be finished in cedar cladding.
- 3.1.5 The new court would be open air, measure 20m x 10m and be located around 11m to the south-east of the three existing courts. The fencing/means of enclosure around the court would be up to 4m in height and consist of a mixture of glass panels and green coloured mesh fencing which would match the existing courts. The court would be illuminated by lights mounted on four columns, 6m in height (the same as the existing courts).
- 3.1.6 The all-weather cover would measure 22m x 33m and would be attached to posts 6.3m in height. The roof itself would be a maximum of 3.7m in height (a maximum of 10m from ground level). The roof would be curved in shape with 'gabled' ends. A specification for the cover has been provided. The roof would be finished in heavy duty PVC coated fabric membrane, off-white in colour.
- 3.1.7 It is stated that the parking provision on site would remain unchanged and is stated as being 80no. parking spaces, 2no. light goods vehicles/public carrier vehicles parking spaces, 6no. motorcycle spaces and 6no. cycle spaces. These spaces are shared with the adjacent leisure centre.
- 3.1.8 The number of people employed would remain unchanged at five full-time employees. The hours of use are proposed as 08:00 to 22:00 every day.
- 3.1.9 The application is supported by a lighting report and a Design and Access Statement. In support of the proposal, the applicant's agent explains that Go-Padel has been at Park Drive since August 2018 and that they have the largest Padel junior academy in the UK with over 60 under 16s at the club. Weekly lessons to pupils at Plume School are provided along with free lessons for Plume School teachers. The court cover proposed would allow the courts to be used 365 days a year without being weather dependent. Furthermore, it is understood that the Lawn Tennis association could then issue the club with the highest level of national tournaments possible and the improvements would also allow the club to offer access for disabled padel. The applicant's agent also states that the current booking office is 'tucked away' to the rear of the existing swimming pool area and that the new building would provide the

players an area to change, a small office for the admin work and a small area as a 'welfare club' where the club can '*offer positive 'off court' learning and training to players and staff*'. The height of the cover has been determined by the need for headroom for the lighting poles and to allow the sport to be played correctly.

### **3.2 Conclusion**

- 3.2.1 It is not considered that the proposal would cause harm to the character or appearance of the area sufficient to warrant a refusal of planning permission and would not cause material harm to local residents, subject to the imposition of conditions. No concerns are raised in relation to off-street parking provision.

## **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
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- Policy S1 – Sustainable Development
- Policy S5 – The Maldon and Heybridge Central Area
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and the Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy E3 – Community Services and Facilities
- Policy N1 – Green Infrastructure Network
- Policy N3 – Open Space, Sport and Leisure
- Policy T1 – Sustainable transport
- Policy T2 – Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide (MDDG) (2017)
- Maldon and Heybridge Central Area Masterplan

## **5. MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application is the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of local residents and highway safety/access/parking issues.

### **5.2 Principle of Development**

- 5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk areas, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.2.2 Policy E3 aims to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. 'Community services and facilities' include sporting facilities. The Policy goes on to state that encouragement will be given to proposals which will help to improve the provision of, and accessibility to, community services and facilities in a local area, including the relocation, co-location, modernization and expansion of existing services.
- 5.2.3 Policy S5 states the Central Area will '*continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities*'.
- 5.2.4 Policy N3 states that development must contribute towards improving the provision quality and/or accessibility of local and strategic open space, sports and associated community and leisure facilities.
- 5.2.5 The proposed development would be associated with and improve the facilities available at the existing padel courts, facilitating the expansion of the club. The site is located within the development boundary for Maldon and within the Leisure Quarter identified as part of the Maldon and Heybridge Masterplan. The proposal is, therefore, considered to be acceptable in principle.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 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.
- 5.3.2 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”.*

- 5.3.3 This principle has been reflected to the approved LDP. 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:-
- 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.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 Policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.3.6 The proposed building would be limited in size and height and would be located adjacent to the existing buildings at the fitness club. The external materials proposed would also be in-keeping with the building's location. On this basis, it is considered that this element of the proposal would not cause harm to the character and appearance of the site or the surrounding area.
- 5.3.7 The proposed additional padel court would be more visible from the site's surroundings than the existing courts given its more central position within the site. However, the court would be seen against the backdrop of the existing courts and neighbouring development and the site does benefit from vegetative screening along its boundaries. The court would also be set back a considerable distance (of over 100m) from Park Drive. Therefore, it is considered that this element of the proposal would not harm the character or appearance of the site or its surroundings.
- 5.3.8 The proposed cover for the three existing padel courts would be a substantial structure both in terms of the ground area covered and height. The height would be greater than the existing buildings within the fitness club site and those on adjacent land. However, the structure would have a light weight roof and would be open sided on all sides. The structure would also be positioned a significant distance from Park Drive (over 100m), within an existing group of buildings and the existing, substantial boundary hedging and other existing vegetation within the vicinity of the site would reduce the visual prominence of the development. It is noted that the height of the structure is required to enable the courts to continue to be beneficially used. Based on this, it is considered that the visual impact of this element of the proposal would not cause harm to the character and appearance of the area to such an extent that a refusal of planning permission would be justified particularly when weighed against the social and economic benefits of the scheme.

## **5.4 Impact on Residential Amenity**

- 5.4.1 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).
- 5.4.2 There are no existing residential properties within the immediate vicinity of the proposed development but there are residential properties on the opposite side of Park Drive which face the entrance to the sports club. However, given the nature, scale and position of the proposal and as it would form part of an existing sporting facility, it is not considered that the development proposed would materially harm the amenity of any existing residents, subject to the imposition of a condition limiting the hours of use to those previously permitted (i.e. between 08:00 hours and 22:00 hours on Mondays to Fridays and between 08:00 hours and 20:00 hours on Saturdays, Sundays and Public Holidays but which is less than has been applied for), as recommended by the Specialist – Environmental Health.

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

- 5.5.1 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.
- 5.5.2 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 encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 The adopted parking standard for sporting facilities is a maximum of 1 space per 22sq.m. of floorspace. The proposed additional court would result in the loss of an area of the site currently used for parking and the building would accommodate additional floorspace. However, the remaining area within the application site currently used for parking would be retained and would be sufficient to accommodate a level of parking which would comply with the adopted standard. Furthermore, the additional floorspace would be limited (less than 35sq.m.). Therefore, it is considered that the proposal does not conflict with the adopted parking standards. In addition, as a result of the nature and scale of the development, the proposal would not result in a material change to the use of the existing vehicular access to the site from Park Drive and, therefore, would not raise any highway safety concerns.

## **6. ANY RELEVANT SITE HISTORY**

- **18/00502/FUL** - Proposed 3No. padel courts with new glass & fencing panels built over existing tennis court - Approved 04.07.2018
- **10/01014/FUL** - Proposed new link passageway and new side window – Approved 09.03.2011
- **06/00062/FUL** - Proposed Retractable Telescopic Swimming Pool Enclosure. – Approved 06.03.2006

- **98/00594/FUL** - Proposed tarmac tennis court with floodlights to match existing - Approved 08.10.1998

## 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	Support.	Noted.

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Cadent Gas	Do not object in principle – an informative is recommended.	Noted - none of the apparatus identified is located within the application site. An informative is recommended below.

### 7.3 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Specialist – Environmental Health	No objections subject to conditions to limit the hours of use to those already permitted and requiring details of the means of foul drainage.	Noted – refer to section 5.4 of report. Foul drainage would be to the mains sewer and, therefore, a condition requiring details is not necessary.
Specialist – Conservation and Heritage	No comments to make.	Noted.

### 7.4 **Representations received from Interested Parties**

- 7.4.1 **8** 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>
The courts and Club are very popular. Proposals will enhance the Club and allow them to go further into the community.	Noted
The site is ideally located in an area of the town already associated with outdoor activities and sports	Noted
Playing this sport is beneficial for their mental health.	Noted



## 8. **PROPOSED 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 be carried out in accordance with the following approved plans and documents:  
  
2285-01 rev.B  
2285-02 rev.C  
2285-BP1 rev.A  
2285-06 rev.A  
2285-04  
2285-05  
2285-07 rev.A  
2285-03  
Lighting report  
Specifications for cover  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used shall be as set out within the application form/plans hereby approved.  
REASON In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No form of external illumination shall be provided other than in accordance with the details hereby approved (including the luminance and spread of light; and the design, position and specification of the light fittings). The external illumination shall be retained in accordance with the approved details.  
REASON In order to protect the amenity of the local residents and the character and appearance of the area, in accordance with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.
- 5 The existing and additional court hereby permitted shall only be used between 08:00 hours and 22:00 hours on Mondays to Fridays and between 08:00 hours and 20:00 hours on Saturdays, Sundays and Public Holidays.  
REASON For the avoidance of doubt and in order to protect the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

## **INFORMATIVES**

1. Please note there is an intermediate pressure gas pipeline at the entrance to the site. The developer should consult Cadent gas Plant Protection team ([plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)) before any works crossing the pipeline are carried-out.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to

**CENTRAL AREA PLANNING COMMITTEE  
2 JUNE 2021**

<b>Application Number</b>	<b>21/00314/FUL</b>
<b>Location</b>	The Promenade Park, Park Drive, Maldon
<b>Proposal</b>	Converting & renovating an existing public seating shelter into a food serving kiosk
<b>Applicant</b>	Mrs Salisbury
<b>Agent</b>	Gytis Bickus
<b>Target Decision Date</b>	18.05.2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-In by Councillor K Lagan – Policies E3 and S5 - no open tender process carried out; preserve and enhance quality of historic character; loss of community facility.  Council Owned Land

**1. RECOMMENDATION**

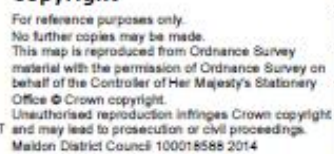
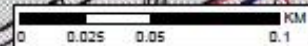
**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.



**4 Sided Shelter The Promenade Park Park Drive Maldon**



Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	13/05/2021
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site lies within Promenade Park to the east of Park Drive, within the parish boundary of Maldon. Promenade Park lies within the leisure quarter as identified in the Maldon and Heybridge Central Area Masterplan (CAMP) and shown on the map (page 38) within the clarification section of policy S5 of the Maldon District Local Development Plan (LDP). Although Promenade Park is not a formally Registered Park and Garden as identified by Historic England, it has been identified within the LDP as a local Historic Park and Garden and is therefore considered to be a non-designated local heritage asset.
- 3.1.2 The application site is located to the west of the Marine Lake and east of an area of public open space beyond which is a small parking area for Promenade Park. A small cluster of four existing permanent kiosk buildings are located 130m east of the application site. There is a fifth kiosk building located closer to the application site 65m away. To the south east of the application site, approximately 183m away as the crow flies, is an existing Adventure Golf course. It is noted that planning permission was recently granted for a timber clad food serving kiosk at the Adventure Golf (20/01328/FUL refers).
- 3.1.3 This application proposes the conversion of an existing public seating shelter which is located on the southern side of a pedestrian walkway that runs west to east through the park. The proposed food serving kiosk would not enlarge the existing structure which has a width and depth of 5.6m and a height of 3.6m. The existing shelter has an octagonal layout and a pyramid hipped roof with four side openings. The proposal would seek to fill the four openings with new walls finished in green timber cladding and a serving hatching would be installed within the northern elevation of the building. An access door, where the staff would enter the building, would also be proposed within the eastern elevation as well as a small high-level window to the west elevation.
- 3.1.4 The application form submitted with the application states that the proposed hours of opening would be 08:30 to 17:30 every day including bank holidays and there will be three full time members of staff, as well as four part-time staff members, which would equate to five full time members of staff for the business. The proposed plans provided show that a new water and drain connection would be provided to the existing mains located 2.3m south east of the structure.

#### **3.2 Conclusion**

- 3.2.1 The proposal is considered to be acceptable in terms of design and the impact on the character of the area. The proposal would also not detract from the amenity of neighbouring occupiers or parking provision and highway safety. There is also no objection to the proposal in relation to flood risk given that the site is located within Flood Zone 1. The proposal is therefore in accordance with policies D1, D3, E2 and H4 of the LDP.



#### **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:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-design places
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E2 Retail Provision
- E5 Tourism
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- H4 Effective Use of Land

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

- Car Parking Standards (VPS)
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)
- Maldon Central Area Masterplan (CAMP)

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

- 5.1.1 Policy E2 aims to support the provision of retail, office, tourism, cultural and community uses. Although the site is not located within a town centre area, or a primary or secondary area, there are surrounding kiosks being used for similar uses,

such as cafes and takeaways. It is not considered that the development is at a scale that would require a retail impact assessment.

- 5.1.2 The application site lies within the Leisure Quarter of the Maldon and Heybridge Central Area Masterplan (CAMP). The CAMP includes six objectives and eighteen projects. The application site is part of the area affected by projects 15 and 16 which relate to a Destination Hub – combined visitor centre and specialist restaurant and Management Plan for Promenade Park. Project 15 is expected to contribute to one objective, CA3, of the CAMP and Project 16 is expected to contribute to four objectives, CA3, CA4, CA5 and CA6, of the CAMP. The application would contribute towards objective CA3 which seeks to promote the Maldon Central Area as a focus for culture and visitor attractions.
- 5.1.3 Policy E5 of the LDP states that the Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attracts visitors to the District. The site is located within Maldon Promenade Park which provides a number of tourist-based facilities. Within the vicinity of the site, there are five other food-and-drink-serving kiosks located east of the site. While there is a cluster of kiosks located east of the application site, the proposed building is separated from these buildings by over 180m. Whilst it is noted that the provision of an additional food serving kiosk within this location may impact on other kiosks within the area, competition is not a material planning consideration, and the provision of one additional kiosk is considered to provide additional support to the existing leisure and recreation facilities within the park. It is also noted that the area of the Marine Lake, and its surrounds, is designated as a 'Destination Hub' for a restaurant and visitor centre facility. The provision of food-serving kiosks in this location is therefore considered to be in accordance with these objectives.
- 5.1.4 The existing structure is currently used for public seating which will be lost as a result of the proposal. Policy E3 relates to Community Services and Facilities and states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. The Policy goes on to list a number of community services and facilities which include, but are not limited to, local shops, post offices, public houses, libraries, sporting facilities and local green spaces. Although it is noted that public seating makes an important contribution to local green spaces, and Promenade Park as a whole can be considered as a community facility, there are numerous other sheltered seating areas around the Marine Lake that contribute to the Park as a whole. While the seating shelter contributes to the overall community facility of the Promenade Park, when viewed in isolation it is not considered to be a community facility in and of itself. Four other covered seating shelters would remain around Marine Lake, as well as numerous public benches. It is not therefore considered that Policy E3 would apply in this instance. As such, it is not considered that the loss of the street furniture in this location would be unacceptable in principle.
- 5.1.5 It is also noted that Policy E3 requires effective marketing to be undertaken to demonstrate there is no viable appropriate alternative community service-based use. As public seating does not fall within the remit of community services and facilities, it is not considered that appropriate marketing of the shelter would have had to be

carried out prior to the submission of this application. Tender processes also fall outside of the planning system and would not therefore be a material planning consideration in this instance.

- 5.1.6 Policy N3 of the LDP states that the Council is committed to protecting and maintaining existing formal and informal open spaces, sports pitches, children's play areas, leisure and recreation facilities, while ensuring all new development contributes towards any identified local needs. The Council's policy is to enable, support and empower communities to be safe, active and healthy, as a corporate priority as well as part of the sustainable community's objectives. Although the proposal would result in the loss of a public seating shelter within an area of public open space, it would not impact on or result in a deficiency of the green open space surrounding the structure or any sports and leisure facilities in the locality, such that it can be considered acceptable in this instance.
- 5.1.7 Based on the above assessment, it is considered that the development would encourage an increase in business and tourism to Promenade Park, which would contribute to the objectives contained within the CAMp and therefore the principle of development can be found acceptable.

## **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 should be sought 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 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;
- 5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 5.2.5 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.
- 5.2.6 The application site falls within the Maldon Conservation Area. Policy D3 is also applicable to the application as Promenade Park is on the local list of historic designed landscapes and qualifies as a non-designated heritage asset for the purposes of paragraph 197 of the NPPF. Policy D3 stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and/or its setting will be required, amongst other aspects, to preserve or enhance its special character, appearance, setting, including its streetscape and landscape value and any features and fabric of architectural or historic interest.
- 5.2.7 Although Promenade Park has evolved since its opening in 1885, it maintains something of its character as a Victorian park. Most of the new modern buildings and structures, such as the shelter which is the subject of this application, are broadly traditional in form and materials. The four-sided shelter has a traditional, hipped roof clad in clay tiles and painted timber fascias decorated with the same pattern found on other buildings around the park. The concrete breezeblock walls are not particularly attractive. As a modern and architecturally undistinguished structure, the Conservation Officer has advised that the shelter makes a neutral contribution to the significance of the conservation area and the park as heritage assets.
- 5.2.8 The proposed conversion of the public seating shelter into a food kiosk would not result in the enlargement of the building. It would not be unduly prominent within the surrounding area and would be a similar scale and design to the food and drink kiosks within Promenade Park and would be in keeping with the character of the area. The proposed painted timber cladding would appear similar to the cladding used on other structures around the park and would conceal the unpainted concrete breezeblock walls which would be considered an enhancement to the character and appearance of the conservation area. There are therefore no objections to the proposed development.
- 5.2.9 The Conservation Officer has advised the proposal would not result in any harm to the significance of the conservation of the park as heritage assets. The proposal would therefore pose no conflict with policy 197 of the NPPF, policy D3 of the LDP,

or with the duty set out in section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 5.2.10 Overall, the proposed development is considered to accord with the policies set out within the LDP and the guidance contained within the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 As stated previously, there are five other kiosks, used for the sale of food and drink, located an approximate distance of 65 to 180 metres south east of the site. The immediate surrounding area is grassland, with a pedestrian walkway located immediately north of the site as well as a car park to the west.
- 5.3.3 The development is located a considerable distance away from the closest residential properties which are located over 150 metres to the north and west of the site. It is considered appropriate to impose conditions, restricting opening hours, to any grant of planning permission.
- 5.3.4 It is consequently considered that the proposed kiosk would not result in an unneighbourly form of development, in accordance with this aspect of policies D1 and H4 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 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 It is noted that the site is located within Maldon Promenade Park, with the smaller promenade car park located west of the site. The main car park is located south east of the site. The existing car parks are considered to provide sufficient parking to manage any potential increase in demand in parking provision as a result of the proposed catering unit.
- 5.4.3 The siting of a catering kiosk is not considered to have an adverse impact on the existing parking spaces within Promenade Park or obstruct the free flow of pedestrians using the site. Furthermore, due to its siting, no parking spaces would be lost.
- 5.4.4 Therefore, the proposed development is considered to be in accordance with this aspect of policies D1 and T2 of the LDP.

## 5.5 Other Matters

- 5.5.1 Environmental Health has been consulted and has recommended conditions relating to details of ventilation equipment and the foul drainage scheme to serve the proposed development. Conditions have therefore been included to that effect.
- 5.5.2 It has been suggested that replacement sheltered seating is provided due to the loss of seating as a result of the proposed development. Whilst it is acknowledged that the structure may have communal value as a useful place to sit and shelter from inclement weather, it is not within the applicant's gift to install seating outside of the red line of the application site. Furthermore, it is noted that two remaining areas of sheltered seating exists on the northern side of the Maldon Marine Lake, which is located approximately 110m away as the crow flies from the application site, as well as two other areas of sheltered seating north east of the application site, 145m away. It is not therefore considered reasonable or enforceable to include a condition relating to replacement seating within Promenade Park which would be outside of the red line of the application site.
- 5.5.3 It has also been suggested by the Parish Council that the application be approved on the basis that an existing food-serving kiosk is removed from Promenade Park. Whilst it appears that a food truck owned by the applicant has been located to the front of the public seating shelter, this does not benefit from a grant of planning permission and its stationing here is therefore unauthorised. It is also important to note that planning permission for the proposed development would be granted on its own merits and is not a personal permission relating specifically to the applicant. Given that the proposed development is considered to be acceptable in its own right, without the need for removal of an existing kiosk, it would not be reasonable to condition this as part of the application.

## 6. ANY RELEVANT SITE HISTORY

- 6.1 There is no relevant planning history for the site.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends approval of this application subject to the conditions that confirmation is received that the food truck currently used is removed and only the proposed kiosk/shelter is used for serving food and that an	Noted. See Section 5.5.

Name of Parish / Town Council	Comment	Officer Response
	alternative replacement shelter is provided in the Promenade Park.	

## 7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions regarding ventilation details and foul drainage	Noted
Conservation Officer	The proposed conversion of the public seating shelter into a food serving kiosk would not result in any harm to the significance of the park or the conservation area as heritage assets.	Noted
Economic Development/Prosperity	No objections. Installation of replacement sheltered seating is encouraged in this part of the park as this is very limited and valued by visitors on inclement days.	Noted. See Section 5.5.

## 7.3 External Consultees

Name of External Consultee	Comment	Officer Response
Natural England	No comments.	Noted.

## 7.4 Representations received supporting the application:

13 letters of **support** and 1 letter **commenting** on the application have been received.

Comment	Officer Response
Existing public seating area dirty, unwelcoming and attracts anti-social behaviour and vandalism.	Noted
Good use of dilapidated public shelter and positive addition to the	Noted

park which will eliminate anti-social behaviour.	
The applicant has a very good quality of product and service.	Noted. This is not a material planning consideration.
Change of use would enhance Maldon as a desirable destination	Noted. See Section 5.1.
Commendable to uplift and re-purposed buildings for community use.	Noted
Makes use of and keeps the heritage of a unique building.	Noted. See Section 5.2.
Would result in a wide range of food offerings in a more permanent building.	Noted

## 7.5 Representations received objecting to the application:

5 letters of **objection** have been received.

Comment	Officer Response
Only covered seating area adjacent to events field and unacceptable to deprive users of this amenity.	Noted. See Section 5.5.
Uncleanliness of the seating not a reason to develop this asset.	Noted
Unacceptable impact on weekly park run as shelter currently used as meeting place and its conversion would impede the existing route taken by runners.	Noted. Although the safety of pedestrians is paramount, it is not considered that this is a material planning consideration given that the route could be altered and alternative means of public space for runners to meet and wait in the nearby vicinity can be found.
Unfair for members of the public that another catering facility proposed by current kiosk holders.	Noted. This is not a material planning consideration; applications can be submitted by all members of the public.
Covered shelters should be a priority and loss of shelter would dilute the essence of this park a public open space.	Noted. See Section 5.5.
Loss of essential community shelter should not be sacrificed.	Noted. See section 5.1.

## 8. PROPOSED CONDITIONS

- 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) of The Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in complete accordance with the following documents: DR01; DR02; DR04; Design and Access Statement dated March 2021  
REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 The materials used in the development hereby approved shall be as set out within the plans/application form hereby approved.  
REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 The development hereby permitted shall only be open to the public between 08:30 hours and 17:30 hours Monday-Sunday inclusive, including Public Holidays.  
REASON: To ensure the appropriate use of the site in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 No development works shall occur above ground level until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON: To ensure the appropriate drainage of the site in accordance with policy D2 of the Maldon District Local Development Plan.
- 6 The use hereby permitted shall not include any primary cooking, that is the application of heat to raw or fresh food in order to cook it, unless a scheme for ventilation has been installed in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. The ventilation scheme shall be retained as approved in perpetuity.  
Reason: In the interests of the amenity of the occupiers of neighbouring properties in accord with Policy D2 of the Maldon District Approved Local Development Plan and the NPPF.  
REASON: To protect the amenity of the area, in accordance with policy D1 and H4 of the Maldon District Local Development Plan.
- 7 Deliveries to the site shall only be undertaken between 08:00 hours and 18:00 hours Monday to Friday and at no time at weekends or Bank Holidays.  
REASON: To ensure the appropriate use of the site and to protect the amenity of the area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 8 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained for such purposes at all times thereafter.  
REASON: To protect the amenity of the area and to mitigate pollution, in accordance with policy D1 and D2 of the Maldon District Local Development Plan.

## **INFORMATIVES**

### 1 Food Hygiene and Health & Safety

The Applicant is advised to consult Environment Services on any requirements we may have regarding Food Safety and Health & Safety matters at the premises. New food business will need to register with Environment Services 28 days before it commences operation and comply with EC Regulation 852/2004.

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