

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

20 July 2021

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 28 JULY 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 28 JULY 2021**

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 8)

To confirm the Minutes of the meeting of the Committee held on 1 July 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. **21/00269/FUL- McDonald's, Fullbridge, Essex, CM9 4LE** (Pages 9 - 18)

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

6. **21/00270/ADV - McDonald's, Fullbridge, Essex CM9 4LE** (Pages 19 - 26)

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

7. **21/00271/ADV - McDonald's, Fullbridge, Essex CM9 4LE** (Pages 27 - 34)

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

8. **21/00297/HOUSE & 21/00298/LBC- 4 Silver Street, Maldon, Essex, CM9 4QE**  
(Pages 35 - 54)

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

9. **21/00339/FUL- Quest Motors, Wycke Hill Business Park, Maldon** (Pages 55 - 70)

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

10. **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. 5-9.
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  
1 JULY 2021**

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**PRESENT**

Chairman	Councillor M R Edwards
Vice-Chairman	Councillor Mrs J C Stilts
Councillors	Miss A M Beale, B B Heubner, K M H Lagan, C Mayes, C Morris, S P Nunn, N G F Shaughnessy and C Swain

**139. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

**140. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor M S Heard.

**141. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 2 June 2021 be approved and confirmed.

**142. DISCLOSURE OF INTEREST**

Councillor K H Lagan declared a non-pecuniary interest on Agenda Item 5. 21/00326/HOUSE, 38 Plume Avenue, Maldon, Essex CM9 6LD as he used to live on Plume Avenue.

Councillor C Swain declared a non-pecuniary interest in Item 5. 21/00326/HOUSE, 38 Plume Avenue, Maldon, Essex CM9 6LD as the applicant, Mr Copsey, was also a member of Councillor Swain's grandson's Fantasy Football League.

**143. 21/00326/HOUSE - 38 PLUME AVENUE, MALDON, ESSEX CM9 6LD**

<b>Application Number</b>	<b>21/00326/HOUSE</b>
<b>Location</b>	38 Plume Avenue, Maldon, Essex CM9 6LD
<b>Proposal</b>	Ground floor extension to the front, side and rear and first floor extension to the front and the side.
<b>Applicant</b>	Mr Mark Copsey
<b>Agent</b>	Jennifer Mahbubani - John Finch Partnership
<b>Target Decision Date</b>	EOT 02.07.2021
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>MALDON</b>

<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor F.G.F Shaughnessy Reason – D1 and H4
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A Members' Update had been circulated prior to the meeting that detailed an updated Condition 2 as a result of revised plans submitted. Following the Officer's presentation, the Chairman opened the debate.

Councillor Morris started the discussion by commending the Officer's report. He said that he was in complete agreement with the report and proposed that the recommendation be approved. This was seconded by Councillor Mayes.

A brief debate ensued where Councillor Shaughnessy, having called in the application, expressed concerns regarding the size and scale of the proposed extension, potential overlooking, the all-round visual impact, the cramped appearance on the plot and proximity to the property to the right of the application. Councillor Lagan concurred with these concerns. Other Members felt that it enhanced the street scene, that a number of other properties in the street had had similar renovations, that due to the relationship with neighbouring properties the development would not cause unacceptable harm by way of dominance, overlooking or overshadowing and there had been no objections submitted.

There being no further discussion the Chairman put Councillor Morris' duly seconded proposal to approve the application in accordance with the Officer's recommendation to the Committee. A recorded vote was called for and seconded and the results were as follows:-

For the Recommendation

Councillors A M Beale, M R Edwards, B B Heubner, C Mayes, C Morris, S P Nunn, J C Stilts and C Swain

Against the Recommendation

Councillors K M H Lagan and N G F Shaughnessy

Abstentions

None

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 3543:01 Rev B, 3543:02 Rev B, 3543:03 Rev A, 3543:04 Rev C, 3543:05 Rev A.
3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
4. Prior to the first occupation of the two storey side extension hereby permitted, the window(s) in the southern elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7 metres above internal floor level) and shall be retained as such thereafter.

The meeting closed at 7.45 pm.

M R EDWARDS  
CHAIRMAN





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

<b>Application No:</b>	<b>21/00269/FUL</b>
<b>Location:</b>	McDonald's Fullbridge Essex CM9 4LE
<b>Proposal:</b>	Reconfiguration of drive thru lane to accommodate side-by-side ordering. including associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, minor extensions to the cash and presenter booths. Relocation of the shopfront entrance with new sliding door fitted. The installation of 2 no. digital Customer Order Displays (COD) with overhead Canopies and a Goal Post height restrictor.
<b>Applicant</b>	McDonald's Restaurants Limited
<b>Agent</b>	Mrs Sarah Carpenter - Planware Limited
<b>Target Decision Date</b>	10 <sup>th</sup> June 2021 - EoT until 4 <sup>th</sup> August 2021
<b>Parish</b>	<b>MALDON</b>
<b>Case Officer:</b>	Amit Patel
<b>Reason for referral to Committee:</b>	Councillor call-in by Councillor C Mayes Policies: D1, D2, D3 D6, D5, E1, E2, N1

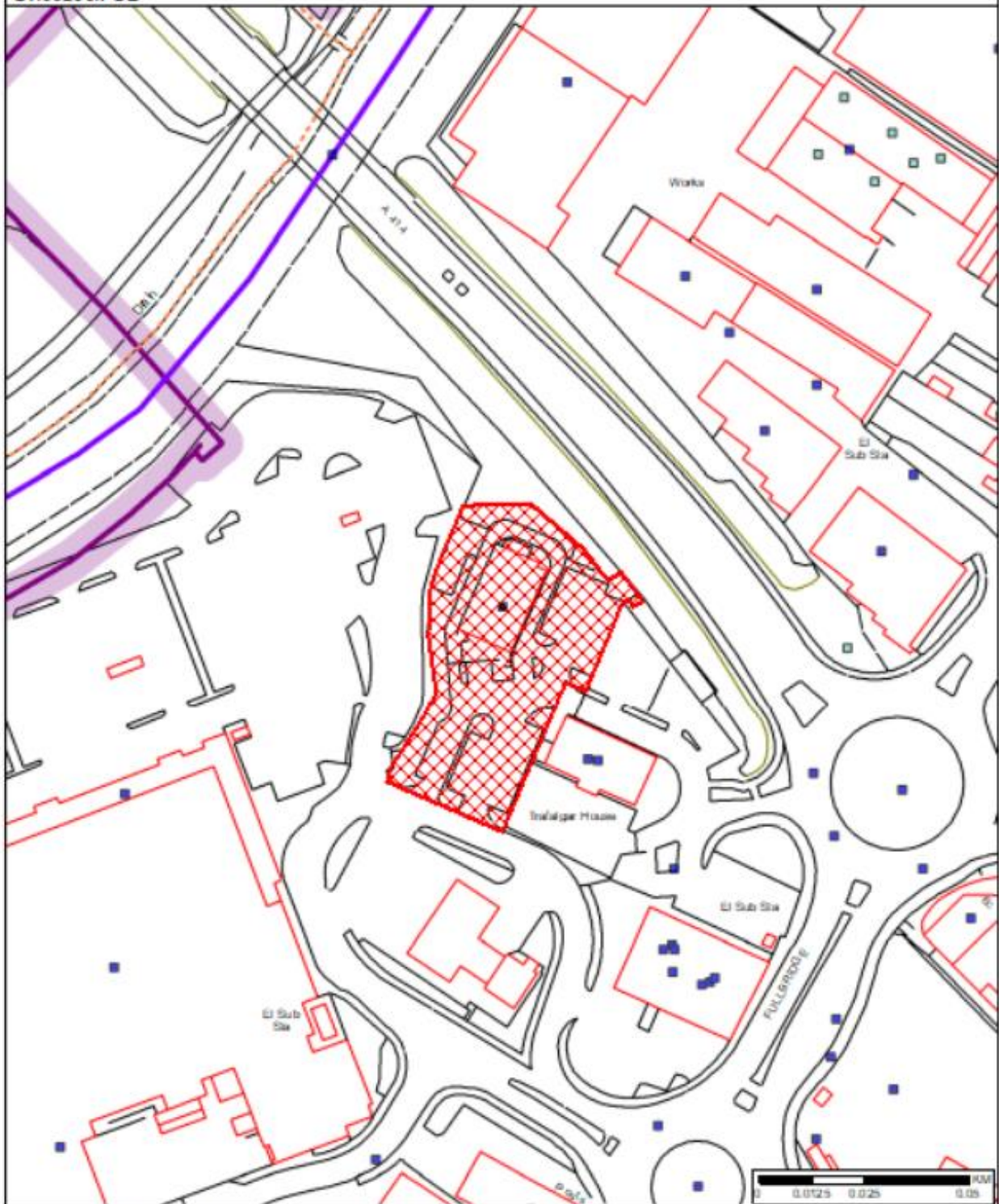
**1. RECOMMENDATIONS**


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

**2. SITE MAP**

Please see below.

**McDonalds, Fullbridge**  
21/00269/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 Stationary Office. Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2018</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	15/07/2021
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

##### Site description

- 3.1.1 The application site lies within the settlement boundary of Maldon, located within the Blackwater Retail Park and is occupied by a single-storey commercial building used as a Use Class A3 unit (McDonalds). The unit is situated approximately 100 metres away from a grade II listed building, Old Ironworks, opposite a supermarket, Tesco, with petrol station and adjacent to an office building, Trafalgar House.

##### Proposal

- 3.1.2 Planning permission is sought for the reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and two Customer Order Displays (CODs) with associated canopies, minor extensions to the existing presenter and booth windows. This proposal effectively represents an amendment to a previous application, reference 16/00315/FUL, which was approved at committee on 1 June 2016. That 2016 application has been implemented through the erection of the bin stores to the north of the site. Under this application, those bin stores are proposed to be clad in timber. The side by side drive through arrangement has not been implemented, nor other ancillary associated works around the site.
- 3.1.3 The proposed CODs would have a maximum height of 3m and would measure 0.6m wide by 0.3m deep. The approximately triangular-shaped canopies above the CODs would have a maximum width of 2.4m and a maximum depth of 3.5m. The canopy would be made of glass reinforced plastic (GRP) and would stand on a steel structure.
- 3.1.4 The proposed extensions will be to existing cash and presenter booths by creating additional spaces in the form of a 'bay'. The total area of the two bays amount to approximately 5sqm.
- 3.1.5 The extensions would be constructed of external materials to match those of the existing building. There are proposed alterations to the roof, to be finished in a green appearance.
- 3.1.6 The applicants have amended the scheme since the submission of the scheme. The layout of the drive through under this application had been amended from the original approval, however, that layout would have resulted in the loss of a single parking space. Essex County Council Highways(ECC) had raised concerns regarding the new layout to which the applicants have now reverted back to the approved layout under planning reference 16/00315/FU which also reinstates the single parking space.
- 3.1.7 In summary, the changes are as follows:
- 2 no.extensions, to the cash and presenter booths in the eastern elevation (there were three extensions approved previously, the third has already been built).
  - The roof will be clad in 4mm aluminium composite, finished in khaki green
  - Bin stores have already been implemented under planning permission 16/00315/FUL and are proposed to be clad in timber under this current application.
  - The layout of the drive thru, Customer Order Displays (COD) and kerb lines etc. will remain the same as the 2016 application.

- Landscaping is proposed to the western and northern sides of the site to mitigate the impact of the drive through.

- 3.1.8 It is acknowledged that concern has been raised regarding the loss of the play area. Having looked at the previous approval, it is noted that this element had not received formal consent. It falls within the area which includes the additional drive through lane and the principle of this change has already been agreed and the planning permission implemented. It would appear the play area/seating was only in place due to the drive thru element of the 2016 scheme not been carried out.
- 3.1.9 The agent for the application has also confirmed a number of picnic tables to be removed, which were not utilised and the provision of the tables supplied at the front of the store, with associated barriers and accessibility was considered sufficient for the store. The removal of this area of seating was considered acceptable in 2016.

### **3.2 CONCLUSION**

- 3.2.1 The proposed development is considered acceptable in terms of style and design, including its scale, bulk, siting and materials, as it would not have a detrimental impact upon the character and appearance of the area. Furthermore, there would be no impacts on the amenity of any neighbouring properties due to the separation distances. The proposal is considered satisfactory in terms of highway safety, vehicle parking provision, access and flood risk. As such the proposal would be in accordance with adopted policies S1, S5, D1, D5, T1 and T2 of the Local Development Plan (LDP) and advice contained within the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

- 4.1 National Planning Policy Framework 2019 including paragraphs:
- 7 Sustainable development
  - 8 Three objectives of sustainable development
  - 10-12 Presumption in favour of sustainable development
  - 38 Decision-making
  - 47-50 Determining applications
  - 54 – 57 Planning conditions and obligations
  - 80 – 84 Building a strong and competitive economy
  - 102 – 111 Promoting Sustainable Transport
  - 117 – 123 Making effective use of land
  - 124 – 132 Achieving well-designed places
  - 148 – 169 Meeting the challenge of climate change, flooding and coastal change
  - 170 – 183 Conserving and Enhancing the Natural Environment
- 4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:
- S1 Sustainable Development
  - S5 Maldon and Heybridge Central Area
  - D1 Design Quality and Built Environment
  - D5 Flood Risk and Coastal Management
  - E1 Employment
  - E2 Retail Provision
  - H4 Effective Use of Land

- N2 Natural Environment
- T1 Sustainable Transport
- T2 Accessibility

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

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

## **5. MAIN CONSIDERATIONS**

### **5.1 Site History**

- 5.1.1 The scheme as submitted would have reduced car parking levels and altered the drive thru layout, compared to the scheme approved under planning reference 16/00315/FUL. Following comments from ECC Highways the applicants have amended the scheme so that the layout of the drive thru is the same as the approved scheme.
- 5.1.2 The site photos show that the larger bin store as shown on the 2016 application has been built and therefore implementation of that scheme has already occurred.

### **5.2 Principle of Development**

- 5.2.1 The principle of development has previously been accepted with planning reference 16/00315/FUL. In the previous application it was considered that the site lies within an area designated for employment purposes and as such protected by policy E1 of the LDP. The site is also part of the Causeway Regeneration Area as designated by policy S5 of the LDP. The proposal comprises extensions and alterations to the existing McDonalds which has an established commercial use (Use Class A3) and as such the principle of the development is considered acceptable. Other material planning considerations are discussed below.

### **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 sought 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. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.3.3 The proposed extensions comprise bay type windows to the existing presenter and cash booths, enabling additional service area. They would extend the existing built form in terms of construction and materials, and in total (both together) would comprise approximately 5sqm. The previous application had larger extensions than those proposed within this application. These extensions are relatively minor in nature and would be consistent with the existing building.
- 5.3.4 With regards to the proposed reconfiguration of the drive thru lane, the proposal would involve some loss of soft landscaping to accommodate the additional lane.

However, the applicants have identified the remaining area adjacent to the proposed lane for landscaping and as such have accepted a landscaping condition to allow further and appropriate planting along the boundary to mitigate this loss. Subject to a suitable condition, it is considered that this element would not have a negative impact upon the character and appearance of the area. The proposed CODs with the associated canopies, would present a contemporary appearance that would complement the existing building and add visual interest to the site, and as such is welcomed. The proposed height of the structures would be similar to the eaves height of the existing building and therefore would not be over dominant features on the site. Further landscaping will be conditioned to allow screening of the development and improve the soft landscaping around the site and to mitigate some loss of the green space to accommodate the additional drive thru lane.

- 5.3.5 Therefore, it is considered that the proposed development would be acceptable in its setting as it would cause no demonstrable harm to the character and appearance of the area in compliance with policy D1 of the LDP.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 in 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.
- 5.4.2 The previous application was considered acceptable with regards to residential amenity, and as there has not been any notable change in the area with regards to adjoining and nearby uses, it is still considered the case that the proposal would not present any materially different impacts on local amenity than currently exists. The closest residential property is approximately 90m away, located northeast of the site on The Causeway. It is acknowledged that there would be additional vehicles to the site, however, considering that the site adjoins the A414, the commercial nature of the site and the separation distance to the nearest residential dwellings, the proposal would not give rise to a material level of noise and disturbance to raise concerns given the current conditions. As such, the proposal would be in accordance with policies S1 and D1 of the LDP.

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

- 5.5.1 Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. Moreover, policy T1 of the LDP support development that would encourage travel by other means than private motor vehicles and promote safety and security.
- 5.5.2 As mentioned previously, the existing parking and access arrangements would not be altered as a result of this proposal, and this was already accepted within the previous application in 2016. The proposed reconfiguration of the drive thru facilities is expected to assist the movement of vehicles on site. According to the application form there are 34 parking spaces currently on site. For Food and Drink units (Use Class A3) the Council's adopted parking standards SPD states that the requirement for car parking provision is a maximum of one parking space per 5sq m. The existing area of the unit is 228sqm and as such the total maximum requirement for parking is 46 spaces. The proposal would only extend the building foot print by approximately

5qm. Furthermore, the applicants have amended the layout and the additional lane would not impact on existing parking arrangements and will still provide 34 spaces.

- 5.5.3 The application site is considered to be a sustainable location where services are available within a walkable distance according to policy S5 of the LDP. Whilst it is noted the proposal would increase vehicular movement in and out of the site, the demand for parking would be minimal. ECC Highways has raised no objection in this regard.
- 5.5.4 Having regard to the Council's parking requirements, the sustainability of the location and the government guidance on reducing reliance on private motor vehicles and focus on sustainable means of transport, the shortfall of 12 spaces would not be detrimental to the local highway network or the free flow of traffic. On this basis, the proposal is considered acceptable in terms of highway safety and vehicle parking provision. Furthermore, ECC Highways has raised no objections to the proposal, subject to standard conditions. Therefore, there is no objection to the proposal in relation to access, parking and highway safety.

## **5.6 Flood Risk**

- 5.6.1 The application site lies within a defended part of Flood Zone 3 (high risk) where the risk from tidal / fluvial flooding is greater than 1:200 years. The proposed extension of the building would be 5sq m in area. The Environment Agency advises that a non-domestic extension, where the additional footprint created by the development does not exceed 250sq m, is a minor extension.
- 5.6.2 The use of the site as a restaurant and hot food takeaway facility is classed as a "Less Vulnerable" development according to the PPG, Flood Zone and Flood Risk Table 2: Flood Risk Vulnerability Classification. Also, it is considered that the proposed development would be minor. Therefore, there is no requirement for a sequential or exception test.
- 5.6.3 A completed FRSA009a form has been submitted alongside a Flood Resilience and Resistance Statement. The submitted form states that the floor levels within the proposed development will be set no lower than the existing levels and flood proofing of the proposed development has been incorporated where appropriate. The proposed flood resilience measures are considered to be satisfactory. The site is already developed, and the proposed development is therefore unlikely to increase the risk of flooding of other properties arising from the site. Therefore, the proposal would be in accordance with policy D5 of the LDP and advice contained within the NPPF.

## **5.7 Other Material Considerations**

- 5.7.1 The proposed signage is considered under a separate application 21/00270/ADV and 21/00271/ADV.

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

- **96/00429/FUL** – Class A3 restaurant with drive-thru facility and associated landscaping and car parking – APPROVED (21.11.1996)
- **97/00696/FUL** – Extension to existing restaurant – APPROVED (08.01.1998)
- **09/00688/FUL** – Refurbishment of restaurant and patio area. Changes to elevations which include additional cladding. Installation of customer order display. Replacement and new signage. – APPROVED (12.10.2009)

- **16/00315/FUL** – Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines. Construction of 3.No extensions. The installation of 2 x Customer Order Displays (COD) with associated canopies. The relocation of the existing container and the enlargement of the existing bin store. – APPROVED (03.06.2016)
- **16/00316/ADV** – Reconfiguration of existing signage suite – APPROVED (03.06.2016)
- **16/00317/ADV** – Installation of new pole sign with 24 hour appendage. – WITHDRAWN.
- **18/00932/LDE** – Claim for lawful development certificate for existing use of storage container for equipment and operational stock. – REFUSED (02.10.18)
- **18/01506/FUL** – Section 73A application for the continued use of a customised container. – REFUSED (30.04.2019).
- **20/00012/ADV** – The installation of 3no. new digital freestanding signs and 1no. 15" digital booth screen – APPROVED (03.03.2020)

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Council**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon	Recommend granting of the application.	Noted and the above assessment.

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways (ECC)	The proposal is acceptable to Highway Authority, subject to conditions	Comments noted
Environmental Health	No objection or observation	Comments noted
Cadent Gas	Prior to any works the applicant is required to contact the development services	Comments noted

### **7.3 Representations received from Interested Parties**

7.3.1 No letters of representation have been received.



## 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) of the town & country planning act 1990 (as AMENDED).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
  - 19507\_763\_01
  - 19507\_763\_03
  - 19507\_763\_05 REV.C
  - 19507\_763\_06 REV.B
  - 19507\_763\_50 REV.D
  - 19507\_763\_300 REV.DREASON: In order to ensure that the development is carried out in accordance with the approved details.
3. The external surfaces and fenestration of the development hereby approved shall be constructed of materials and finish as detailed within the application form and retained as such thereafter.  
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
4. The measures for securing the resilience of the development against the effects of a flood event contained within the flood resilience and resistance statement which was submitted as part of the planning application and forms part of this permission, shall be fully implemented and put in place prior to the first use of the development and retained as such thereafter.  
REASON: To ensure that the development is able to withstand any flood event in accordance with the National Planning Policy Framework and Policy D5 of the of the Local Development Plan.
5. No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
  - a) The parking of vehicles of site operatives and visitors
  - b) Loading and unloading of plant and materials
  - c) Storage of plant and materials used in constructing the development
  - d) Wheel and underbody washing facilitiesREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and policy D1 of the Local Development Plan and National Planning Policy Framework.
6. Prior to use of the new layout of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing no.300 rev D.  
REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy T1 of the Local Development Plan and National Planning Policy Framework.
7. Prior to use of the new layout of the development, the cycle parking shall be provided in accordance with the mdc parking standards. The approved facility shall be secure, convenient, covered and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy T1 of the Local Development Plan and National Planning Policy Framework.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T1 of the Local Development Plan and National Planning Policy Framework.

9. There shall be no discharge of surface water onto the highway.

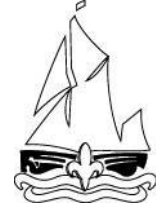
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy D1 of the Local Development Plan and National Planning Policy Framework.

10. No works above slab level of the drive thru shall be carried out, until full details of the soft landscaping, shall be submitted to the local planning authority and agreed in writing. The details shall include, existing and proposed soft landscaping within the site and screening to the bin store area. The development shall then be implemented in accordance with the approved details and retained.

REASON: To provide high quality natural environment and protect the visual amenities of the surrounding area, in accordance with policies D1 and N2 of the of the Local Development Plan and guidance within the National Planning Policy Framework.

#### **INFORMATIVES:**

1. The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
  - a. All highway related details shall be agreed with the Highway Authority
  - b. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
2. Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
3. The developer shall contact Cadnet or National Grid developer services prior to any works to check whether any of their apparatus will be affected by the development.



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

<b>Application No:</b>	<b>21/00270/ADV</b>
<b>Location:</b>	McDonald's Fullbridge Essex CM9 4LE
<b>Proposal:</b>	Application for advertisement consent for the installation of 4No. Fascia signs
<b>Applicant:</b>	McDonald's Restaurants Limited
<b>Agent:</b>	Mrs Sarah Carpenter - Planware Limited
<b>Application Expiry Date:</b>	10 June 2021 - EoT until 4th August 2021
<b>Parish:</b>	<b>MALDON</b>
<b>Case Officer:</b>	Amit Patel
<b>Reason for referral to Committee:</b>	Councillor call in by Councillor C Mayes Policies: D6, D1

**1. RECOMMENDATION**

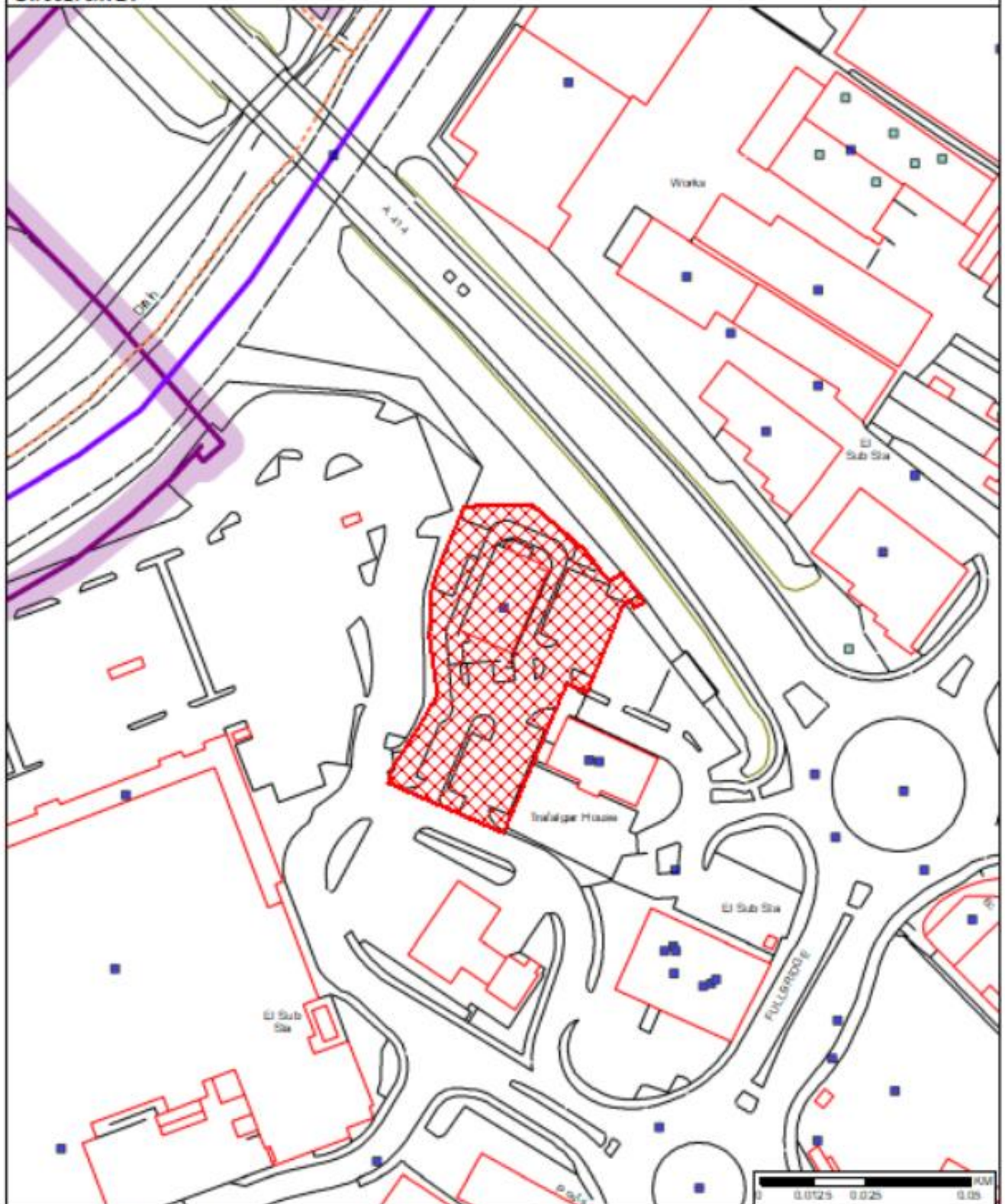
**GRANT ADVERTISEMENT CONSENT** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.

# McDonalds, Fullbridge

21/00270/A DV



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 Maldon District Council 100018588 2014

  
 MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Area Committee
Date:	15/07/2021
MSA Number:	100018588

### **3. SUMMARY**

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

##### Site description

- 3.1.1 The application site lies within the settlement boundary of Maldon, located within the Blackwater Retail Park and is occupied by a single-storey commercial building used as a Use Class A3 unit (McDonalds). The unit is situated approximately 100 metres away from a grade II listed building, Old Ironworks, opposite a supermarket, Tesco, with petrol station and adjacent to an office building, Trafalgar House.

##### Proposal

- 3.1.2 Advertisement consent is sought for the following signs:
- 3.1.3 This application relates to the signage on the building. There are already signs in the position of the new signs and this application is upgrading these signs to reflect the new design.
- 3.1.4 The plans submitted shows that the signage is already internally illuminated, and the new signage would be internally illuminated also.
- 3.1.5 The main difference would be that the size of the signage has slightly increased in size and colour, with the wording “McDonald’s” colour black to coloured white:
- Drive thru side the double arch “M” would be slightly larger and replace the word “McDonald’s”.
  - The opposite side elevation the “M” would change to the wording “McDonald’s”
  - On the front elevation, within the left-hand side gable the word “McDonald’s” would be removed and replaced with the letter “M”.
  - The letter “M” would measure 1.37m high, 0.9m wide and 0.1m deep. The word “McDonald’s” would measure 2.73m, wide, 0.3m high and 0.1m deep.

#### **3.2. CONCLUSION**

- 3.2.1 Although the proposed development would not increase the number of fascia signs, they will be slightly larger than the existing and repositioned on the building are considered acceptable in terms of style and design, including its siting and materials, as it would not have a detrimental impact upon the character and appearance of the area. Furthermore, it would not be detrimental upon highway safety. As such would be in accordance with adopted policies D1, D6, H4 and T2 of the LDP and advice contained within the NPPF.

### **4. MAIN RELEVANT POLICIES**

Members’ attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 54 – 57 Planning conditions and obligations
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

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

- D1 Design Quality and Built Environment
- D6 Advertisements
- H4 Effective Use of Land
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

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

5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety.

5.1.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 1) *“The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2) *Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3) *Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4) *Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.”*

5.1.3 Paragraph 132 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

5.1.4 As the proposal seeks consent in order to display signage within an existing commercial site, it is considered that the principle is acceptable. Other material considerations are discussed below.

#### **5.2 Impact on Amenity**

5.2.1 In assessing the impacts of visual amenity, the Local Planning Authority (LPA) must assess the visual and aural amenity in the immediate locality of an advertisement or

site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the LPA must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.

- 5.2.2 In terms of the scheme potentially detracting from the area, the level of signage would not increase on the fasciae but would result in relocating existing signs, which is not considered to result in demonstrable harm to the character or appearance of the commercial locality or a proliferation of adverts. The scale and proportions of the adverts are considered to be proportionate to the size of the site or the main restaurant building. The proposed signage is not considered to be visually obtrusive, nor to cause harm to the character and appearance of the site in accordance with policy D6 of the LDP.
- 5.2.3 As stated above there would not be additional signs to the ones that already exist but are design and positioned differently. In light of this the amount of advertisements proposed, it is considered appropriate for the established use of the site.

Furthermore, the area is not residential and as such the illumination would not affect any neighbouring residents and as stated above the existing signs are already illuminated and the re-positioning of the signs will also be illuminated and therefore will not be out of keeping with the existing arrangements. Although the Parish Council have suggested that the illumination be shut off when the restaurant is not in use, it is considered that as this is a commercial area and a significant distance from residential premises, there is no justification to recommend a condition of this nature and could not be justified as a reason for refusal. Such a condition would not, therefore, be reasonable or necessary.

- 5.2.4 Therefore, it is considered that the proposed development would be acceptable in its setting as it would cause no demonstrable harm to the character and appearance of the area in compliance with policies D1 and D6 of the submission LDP.

### **5.3 Effect on Public Safety**

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 It is considered that the design of the adverts themselves is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. In addition, the design is considered to aid traffic by directing them to their destination.
- 5.3.4 The positioning of the advertisements which are visible from the highway, are not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. Essex County Council Highways (ECC) has also been consulted and raised no objection to the proposed signage subject to conditions.

5.3.5 Therefore, it is considered that no conflict would arise in regard to saved policy D6 of the submitted LDP.

#### **5.4 Other Material Considerations**

5.4.1 The additional signs for the drive thru is considered under a separate application 21/00271/ADV and layout changes are considered under 21/00269/FUL.

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

- **96/00429/FUL** – Class A3 restaurant with drive-thru facility and associated landscaping and car parking – APPROVED (21.11.1996)
- **97/00696/FUL** – Extension to existing restaurant – APPROVED (08.01.1998)
- **09/00688/FUL** – Refurbishment of restaurant and patio area. Changes to elevations which include additional cladding. Installation of customer order display. Replacement and new signage. – APPROVED (12.10.2009)
- **16/00315/FUL** – Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines. Construction of 3.No extensions. The installation of 2 x Customer Order Displays (COD) with associated canopies. The relocation of the existing container and the enlargement of the existing bin store. – APPROVED (03.06.2016)
- **16/00316/ADV** – Reconfiguration of existing signage suite – APPROVED (03.06.2016)
- **16/00317/ADV** – Installation of new pole sign with 24 hour appendage. – WITHDRAWN.
- **18/00932/LDE** – Claim for lawful development certificate for existing use of storage container for equipment and operational stock. – REFUSED (02.10.18)
- **18/01506/FUL** – Section 73A application for the continued use of a customised container. – REFUSED (30.04.2019).
- **20/00012/ADV** – The installation of 3no. new digital freestanding signs and 1no. 15" digital booth screen – APPROVED (03.03.2020)

#### **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	Recommend granting of the application. However, note that the internally illuminated signs shall be switched off when not in use.	Noted in the above assessment.

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways (ECC)	The proposal is acceptable to Highway Authority, subject to conditions	Comments noted



### 7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

## 8. PROPOSED CONDITIONS

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

3. No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007. 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m<sup>2</sup>) for signs less than 10m<sup>2</sup>, and 300 Candelas per square metre (300 cd/m<sup>2</sup>) for those over 10m<sup>2</sup>.

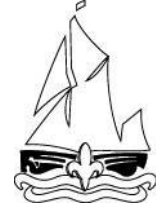
REASON: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with policies D6 and T2 of the Maldon District Local Development Plan.

## INFORMATIVES

1. All highway related details shall be agreed with the Highway Authority All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works. The applicant should contact the Development

Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford.  
CM2 5PU



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

Application No:	<b>21/00271/ADV</b>
Location:	McDonald's Fullbridge Essex CM9 4LE
Proposal:	Application for advertisement consent for the installation of 5No. new digital freestanding signs and 1No. 15" Digital booth screen.
Applicant:	McDonald's Restaurants Limited
Agent:	Mrs Sarah Carpenter - Planware Limited
Application Expiry Date:	10 June 2021 - EoT until 4th August 2021
Parish:	<b>MALDON</b>
Case Officer:	Amit Patel
Reason for referral to Committee:	Councillor call in by Councillor C Mayes. Policies: D6, D1

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**McDonalds, Fullbridge**  
21/00271/A DV



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	Organisation: Maldon District Council
	Department: Department
	Comments: Central Area Committee
	Date: 15/07/2021
www.maldon.gov.uk	MSA Number: 100018588

### **3. SUMMARY**

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

##### Site description

- 3.1.1 The application site lies within the settlement boundary of Maldon, located within the Blackwater Retail Park and is occupied by a single-storey commercial building used as a Use Class A3 unit (McDonalds). The unit is situated approximately 100 metres away from a grade II listed building, Old Ironworks, opposite a supermarket, Tesco, with petrol station and adjacent to an office building, Trafalgar House.

##### Proposal

- 3.1.2 Advertisement consent is sought for the following signs:
- 3.1.3 Signage around the building in association with the reconfiguration of and to serve the drive thru as proposed with application ref: 20/00269/FUL. Within the previous application 20/00012/ADV, 3 of the digital screens for the drive thru and the order confirmation were approved.
- 3.1.4 The previously approved digital freestanding display signs (which form part of this application but in different positions) were statically internally illuminated and measured 1.7m in width, 0.1m in depth with overall heights of 2m. One of the digital displays was a single screen, which was the same height and depth as the double screens but narrower (0.85m wide), with the other two hosting double screens.
- 3.1.5 The main difference between this application and the previously approved scheme is that the positions of the approved signage have been amended and an additional 2 double screen width signs are being proposed. The dimensions of the proposed signs are similar to that of those previously approved, with the double screen signs proposed in this application being 2.034m in total height, 1.573m wide and 0.1m deep, except for a deeper base and the single screen being 2.05m in total height, 0.84m wide, and 0.1m deep, except for a deeper base.
- 3.1.6 The application also includes a 15-inch LCD display screen within the digital booth, which would measure 0.39m wide, 0.90m deep and 0.35m high and would be an overall height of 1.2m.
- 3.1.7 The two new signs would be positioned where the drive thru lanes split and would be a double screen, which would be statically internally illuminated and would measure 1.7m in width, 0.1m in depth with overall heights of 2m.

#### **3.2 CONCLUSION**

- 3.2.1 The re-positioning of the approved signs and the addition of two new signs is considered acceptable in terms of style and design, including its siting and materials, as it would not have a detrimental impact upon the character and appearance of the area. Furthermore, it would not be detrimental upon highway safety. As such would be in accordance with adopted policies D1, D6, H4 and T2 of the Local Development Plan (LDP) and advice contained within the National Planning Policy Framework (NPPF).

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

- 4.1** National Planning Policy Framework 2019 including paragraphs:
- 7 Sustainable development
  - 8 Three objectives of sustainable development
  - 10-12 Presumption in favour of sustainable development
  - 38 Decision-making
  - 47-50 Determining applications
  - 54 – 57 Planning conditions and obligations
  - 117 – 123 Making effective use of land
  - 124 – 132 Achieving well-designed places
- 4.2** Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:
- D1 Design Quality and Built Environment
  - D6 Advertisements
  - H4 Effective Use of Land
  - T2 Accessibility
- 4.3** Relevant Planning Guidance / Documents:
- National Planning Policy Framework (NPPF)
  - Maldon District Design Guide SPD (MDDG) (2017)
  - Maldon District Vehicle Parking Standards SPD
- 5. MAIN CONSIDERATIONS**
- 5.1. Principle of Development**
- 5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety.
- 5.1.2 Policy D6 of the Maldon District Local Development Plan (MDLDP) states that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:
- 1) *“The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
  - 2) *Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
  - 3) *Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
  - 4) *Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.”*
- 5.1.3 Paragraph 132 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

- 5.1.4 As the proposal seeks consent in order to display signage within an existing commercial site, it is considered that the principle is acceptable. Other material considerations are discussed below.

## **5.2 Impact on Amenity**

- 5.2.1 In assessing the impacts of visual amenity, the Local Planning Authority (LPA) must assess the visual and aural amenity in the immediate locality of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the LPA must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.
- 5.2.2 In terms of detracting from the area, the proposed signs would be viewed in context of the application site and would represent signage in-line with the permitted intended use of the application site. It is considered that the proposed illumination would not detrimentally affect the character of the area. The level of signage would only increase by 2 over the already approved adverts. While the proposed signage would not be located on a building, it is considered that it relates well to the scale and character of the existing development on site.
- 5.2.3 The signs will be at ground level. The area is commercial in nature and advertisements are par for the course in the area. The internally illuminated signs will be located to the side of the building and away from the more visible parts of the site. The increase in the signage will be within the site and concentrated near the drive thru lane, which is not highly visible outside of the commercial area, where there are an array of different types of signages for different commercial units and therefore it is considered that the number of signs proposed is acceptable.
- 5.2.4 These will be within the site and will be positioned adjacent to the drive thru lanes. These signs are related to the corporation's menu and it is not considered to result in demonstrable harm to the character or appearance of the commercial locality or a proliferation of adverts. The scale and proportions of the adverts are considered to not be disproportionate to the size of the site or the main restaurant building. The proposed signage is not considered to be visually obtrusive, nor to cause harm to the character and appearance of the site in accordance with policy D6 of the MDLDP.
- 5.2.5 It is noted that the area is not residential and as such the illumination would not affect any neighbouring residents, given that the closest residential premises is over 90m away. These would be illuminated but are positioned to the side of the building and away from the main roads. It is noted that the Parish Council have commented that it does not support this application due to internally illuminated signs and considers it an over development of the site. As discussed above, the site is within a commercial area and signage, either illuminated or not, is considered part of the overall context of the area.
- 5.2.6 Therefore, it is considered that the proposed development would be acceptable in its setting as it would cause no demonstrable harm to the character and appearance of the area in compliance with policies D1 and D6 of the MDLDP.

## **5.3 Effect on Public Safety**

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is

likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.

- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired an application may be refused.
- 5.3.3 It is considered that the design of the adverts themselves is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. In addition, the design is considered to aid traffic by directing them to their destination.
- 5.3.4 The positioning of the advertisements which are visible from the highway, are not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. Essex County Council Highways (ECC) has also been consulted and raised no objection to the proposed signage subject to conditions.
- 5.3.5 Therefore, no conflict would arise with policy D6 of the MDLDP.

#### **5.4 Other Material Considerations**

- 5.4.1 The additional signs for the drive thru is considered under a separate application 21/00271/ADV and layout changes are considered under 21/00269/FUL.

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

- **96/00429/FUL** – Class A3 restaurant with drive-thru facility and associated landscaping and car parking – APPROVED (21.11.1996)
- **97/00696/FUL** – Extension to existing restaurant – APPROVED (08.01.1998)
- **09/00688/FUL** – Refurbishment of restaurant and patio area. Changes to elevations which include additional cladding. Installation of customer order display. Replacement and new signage. – APPROVED (12.10.2009)
- **16/00315/FUL** – Reconfiguration of the drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines. Construction of 3.No extensions. The installation of 2 x Customer Order Displays (COD) with associated canopies. The relocation of the existing container and the enlargement of the existing bin store. – APPROVED (03.06.2016)
- **16/00316/ADV** – Reconfiguration of existing signage suite – APPROVED (03.06.2016)
- **16/00317/ADV** – Installation of new pole sign with 24 hour appendage. – WITHDRAWN.
- **18/00932/LDE** – Claim for lawful development certificate for existing use of storage container for equipment and operational stock. – REFUSED (02.10.18)
- **18/01506/FUL** – Section 73A application for the continued use of a customised container. – REFUSED (30.04.2019).
- **20/00012/ADV** – The installation of 3no. new digital freestanding signs and 1no. 15" digital booth screen – APPROVED (03.03.2020)

### **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

#### **7.1 Representations received from Parish / Town Council**

Name of Parish / Town Council	Comment	Officer Response
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Maldon	Recommend refusal of the application due to the internally illuminated signs and would be an overdevelopment of the site	Noted in the above assessment.
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## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways (ECC)	The proposal is acceptable to Highway Authority, subject to conditions	Comments noted

## 7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

## 8. PROPOSED CONDITIONS

1. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
3. No advertisement shall be sited or displayed so as to:
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
 REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.  
REASON: This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

7. The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.  
REASON: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with Policies D6 and T2 of the Maldon District Local Development Plan.

## **INFORMATIVES**

1. All highway related details shall be agreed with the Highway Authority All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works. The applicant should contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford.  
CM2 5PU



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

<b>Application Number</b>	<b>21/00297/HOUSE &amp; 21/00298/LBC</b>
<b>Location</b>	Josua, 4 Silver Street, Maldon, Essex, CM9 4QE
<b>Proposal</b>	Restoration and alterations to exterior and interior of the existing house.
<b>Applicant</b>	Mr & Mrs Bresler - Eleven Cromwell Hill Ltd
<b>Agent</b>	Mr Simon Plater - Plater Claiborne Architecture And Design
<b>Target Decision Date</b>	30.07.2021
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor C Mayes Reason: D1, D2, D3, H4, I2, S12

**1. RECOMMENDATION**

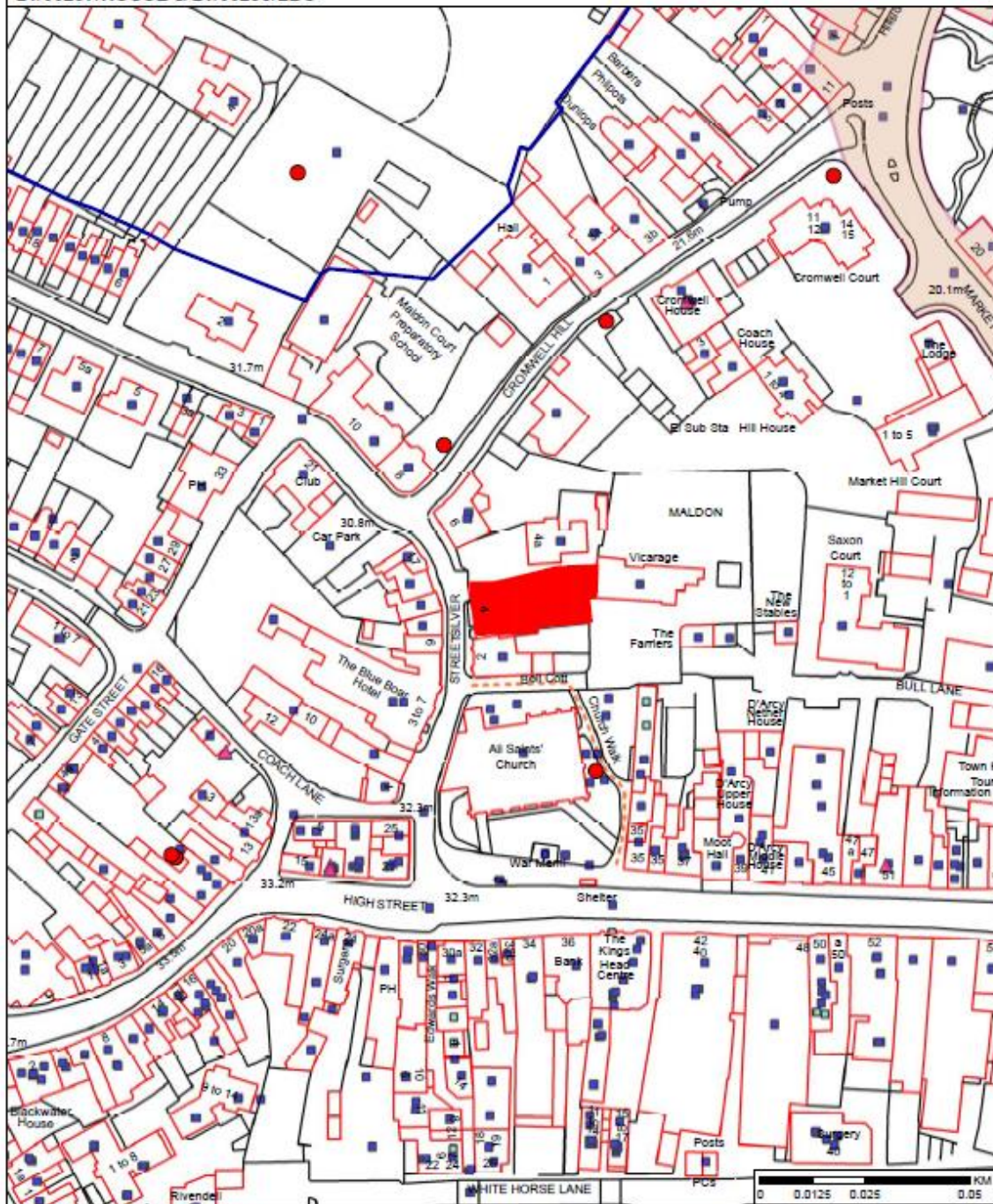
**APPROVE** subject to the conditions (as detailed in Section 8 of this report).


**GRANT LISTED BUILDING CONSENT** subject to the conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.

**Central Area Planning Committee**  
21/00297/HOUSE & 21/00298/LBC



 <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 Stationary Office © 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:	Joshua, 4 Silver Street
	Date:	16/07/2021
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The site is located on the eastern side of Silver Street which is accessed north from the High Street. No. 4 Silver Street is a grade II\* listed building, situated in the Maldon Conservation Area. Most of the neighbouring properties are also listed buildings.
- 3.1.2 Silver Street is one of the most historic and best-preserved parts of the Maldon Conservation Area. It is a relatively narrow and delicately curved road, sloping downhill to the north, and lined by handsome vernacular houses. The views from the northern end of Silver Street, looking south, are among Maldon's most memorable; a picturesque jumble of old roofs and chimneys culminating in the soaring 13th-century spire of All Saints' Church. The Maldon Conservation Area Review and Management Plan (2006) observes that Silver Street 'is in many ways close to perfection in appearance' (p. 40). But the significance of the listed buildings on Silver Street, and the reason they are listed, goes deeper than their aesthetically attractive qualities. Study of the houses in the street has shown how they have developed organically – although at times quite dramatically – over many centuries. These historic houses embody so much evidence of the lives and changing tastes of successive generations of the town's inhabitants.
- 3.1.3 No. 4 Silver Street is a timber-framed property with a rendered frontage that disguises the building's true antiquity. Until recently, it was thought that the house dated from no earlier than the late-16th century. Research over the past year has established that the house is in fact medieval in origin; the earliest parts dating from c.1400. It was originally developed as a substantial hall house, comprising a single-storey open hall flanked at either end by jettied cross-wings. The hall had unglazed mullion windows with internal shutters and was heated by an open hearth, akin to having a bonfire in the middle of the room. Incredibly, part of the base for the open hearth, consisting of roof tiles bedded on-edge into clay has been discovered by the archaeologist Barry Hilman-Crouch beneath the 20th-century floor. The building's medieval structure includes impressive timber framing, sweeping braces, some decoratively moulded beams, and wattle-and-daub infill. Fixings have been found for a painted cloth which hung at the dais end of the hall. These fixings and the open hearth are extremely rare survivals.
- 3.1.4 The proposal relates to the following works:

##### Internal works:

- A new heating system will be implemented to provide a modern gas boiler
- Rooms on the second floor to be re-organised to incorporate a separate en-suite to each bedroom
- Rooms next to the kitchen will be re-arranged to allow for an additional staircase
- Throughout the ground floor, new limecrete floor will be installed
- Dampness in the cellar will be addressed by replacing the flooring and installing a new mechanical ventilation unit with heat recovery
- Construct a second staircase leading to a protected corridor

##### External works:

- Car port removed on the northern elevation and render repaired where the car port is removed
- Single storey northern projection removed

- Tiles to be removed, felt replaced, old tiles reinstated
- New heritage guttering
- New meter box
- Gates retained and renovated
- Bay windows and front door on the west elevation refurbished
- Remove rear conservatory and replace with glass and aluminium canopy
- Fenestration alterations to all elevations including replacing all modern windows to south, east and north elevations with more sympathetic windows.
  - South – add one window, remove a door
  - East – remove a window and install one window
  - West – refurbish front bay windows
  - North – alter an external doorway to a single door, rearrange ground floor windows

### **3.2 Conclusion**

- 3.2.1 The proposal is supported by both English Heritage and the Council's Conservation and Listed building officer, as being an exemplary proposal for this listed building, being comprehensive and sensitive in its approach to the proposed restoration works. It is consequently considered that the proposal will not result in detrimental harm to the residential amenity of neighbouring occupiers, the parking provision at the site or the provision of private amenity space. The proposal will also not harm the character and appearance of the site or surrounding conservation area, nor would it harm the setting of the listed building on the site. Therefore, the proposal is considered to be in accordance with policies H4, D1, D3 and T2 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The principle of altering and extending a dwellinghouse and providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved Local Development Plan (LDP).

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

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

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

*“The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

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

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).



- 5.2.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage asset 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.
- 5.2.6 Policy D1 and the MDDG both provide guidance on the criteria for all development to respect and enhance the character and local context of the development and made a positive contribution in terms of landscape setting, the historic environment and scale, form, massing and proportion.
- 5.2.7 The application site is surrounded by listed buildings; however due to the nature of the works and the fact they are considered to enhance the character of the listed building on the application site, it is considered that the proposal would preserve the character of the listed buildings within the surrounding area.
- 5.2.8 In relation to the internal works to the cellar, leaving the brickwork exposed will preserve the appearance of the walls including the painted numbering on the stub partitions. Laying a floor of paviours on sand would preserve the character of the interior and would not impede the natural movement of moisture. The free-standing ventilation units will be relatively discreet and would not harm the character of the building however no details of the external extracts for these ventilation units have been provided and therefore a suitably worded condition has been imposed to ensure they are of a sympathetic appearance. One partition would be removed; this has been altered several times and is not bonded into the original walls of the cellar, indicating it is a later addition. Its removal would cause minimal harm to the character of the listed building. The introduction of a secondary flight of stairs would have a minor impact on the character of the listed building however it would only affect a small part of the cellar complex. It is considered that a flight of stairs could be designed so that it would not harm the character of the building; this will be ensured via condition.
- 5.2.9 The mid-18th-century rear range is the least-well preserved part of the house, having been altered in several ways in the 20th century. Several changes are proposed to improve the character and convenience of this part of the building. The northern side-porch is an unsympathetic late-20th century addition and its removal would enhance the character of the listed building. The existing unsympathetic modern windows would be replaced with new windows more in keeping with the age and character of the property. The fenestration alterations would involve the removal of some small areas of 18th-century wall structure, but the degree of loss would be kept to a minimum and this would be justified by the positive aesthetic enhancement it would achieve. The secondary staircase proposed in the rear range between ground-floor and first-floor levels would be positioned where the existing common joists are later replacements, so would involve limited loss of historic structure. Alterations to the internal layout of the rear range would involve the removal of some late-20th century partitions (including two breeze block walls at ground floor) which possess no significance.
- 5.2.10 The lean-to roof/cart lodge at the northern end of the frontage would be removed. This consists of machine-sawn pine rafters with a natural slate covering and is part of the 1919 refurbishment. The Specialist in Conservation and Heritage Assets does not consider this to necessarily detract from the appearance of the listed building,



however, it is not an historically or architecturally important addition. The removal of the lean-to roof would not harm the significance of the house or the conservation area. It would open up views of some of the older parts of the house and the 15th-century vicarage to the east. It is noted that Historic England consider its removal to be an enhancement. The existing gates would be retained, preserving some degree of enclosure to the street.

- 5.2.11 At the back of the house is a dilapidated late-20th-century conservatory. The replacement of this with a new open-sided canopy would represent a positive enhancement.
- 5.2.12 Internally, elements of the 15th and 16th-century timber-framed structure would be exposed, repaired and partially restored. The changes would not involve any loss of important historic fabric. The work will enhance the character of the interior, revealing the building's historic character. The new, breathable limecrete floor will manage moisture much more effectively, reducing the risk of future damp or decay. The limecrete floor in the position of the medieval open hall will preserve the remains of the open hearth which will be viewable under a hatch. Parts of the building require significant repair work, particularly the medieval timber-framed wall below a gutter which has leaked unnoticed over many years. The repair work will ensure the character of the listed building will be enhanced.
- 5.2.13 It is noted that the Council's Specialist in Conservation and Heritage Assets supports the proposal. A consultation response from Historic England states that the impact of the proposed works will be an enhancement on the existing situation, particularly replacing modern windows with windows comprising contextually appropriate design feature, and as a result of the removal of the 20th century lean-to and conservatory. They consider that the sensitive approach that has been adopted towards the proposed works will undoubtedly enhance this extraordinary building and appropriately safeguard the future of its historic fabric.
- 5.2.14 There are elements of the proposal that will cause a low level of "less than substantial harm" to the significance of the grade II listed building due to the removal of some localised areas of historic fabric. However, this harm is limited and decisively outweighed by the conservation benefits of the scheme (which are also public benefits for the purposes of paragraphs 196 of the NPPF), including enhancements of its external character, the exposure and restoration of important internal elements of its historic design, and sympathetic repair work which will secure the building's long-term preservation. The proposed replacement windows to the rear range would represent a modest enhancement of this part of the conservation area, insofar as there are glimpsed views of some of these windows from the street. Having regard to this, and the comments received from Historic England, it is considered that the proposal would enhance the historic character of the listed building.
- 5.2.15 The development therefore poses no conflict with the duties set out in section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and complies with policy D3 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 Due to the nature of the proposed internal and external alterations, it is not considered that the proposal will have a harmful impact on the residential amenity of neighbouring occupiers by way of a loss of light or privacy.
- 5.3.3 It is noted that concerns have been raised in public comments regarding the use of the site as being rented out for large groups and the impact from the noise on the surrounding dwellings. It is firstly noted that the application submitted and being assessed within this report is for the physical alterations to the dwelling only and not for any change of use of the site. No reference has been made in the submission documents to any change of use. It is important to note that it may be possible to rent the dwelling out, as is the case with any other dwelling, without planning permission being required for a change of use, depending on the nature/scale of the use. In addition, renting a property is not tantamount to a change of use. However, if a change of use were to occur, this would require planning permission through a further application. However, as that is outside the scope of this application, it is not necessary to discuss this matter further and this cannot be a consideration under this application. Due consideration to such a matter would be ultra vires

#### **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 There are currently 7 bedrooms in the dwelling. The layout will be amended so that there will be 5 bedrooms. A dwelling with 4 bedrooms or more should provide 3 parking spaces. There are currently two parking spaces to the north of the dwelling, one under the existing car port and one on an area of hardstanding and therefore there is a shortfall of one parking space. The car port will be removed however two parking spaces will remain on the area of hardstanding. The shortfall of one parking space will remain; there will be no reduction in the provision of parking at the site and therefore there are no objections to the proposal in terms of parking provision.
- 5.4.3 The proposed external and internal alterations are not considered to have any impact on highway safety.
- 5.4.4 Overall, given the above, it is considered that there are no objections to the proposal in terms of highway safety or parking provision and therefore the proposal complies with policy T2 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.5.2 The garden at the site will remain in excess of 100sqm and therefore there are no objections in relation to private amenity space.

**6. ANY RELEVANT SITE HISTORY**

- **09/00914/LBC** - Retro-fit two solar panels to south inner gable – Refused

**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	Recommend refusal: The Town Council recommends refusal of these applications due to lack of direction and clarity from the Conservation Officer as the proposals represent several major changes to the property which would have a detrimental impact and cause harm to the historical characteristics of the Grade 2* Listed Building and historic street scene in the Conservation Area, contrary to Policies D1 and D3 of the Maldon District Local Development Plan.	Comments noted. The response from the Specialist in Conservation and Heritage Assets has been received and is set out below in section 7.3.

**7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Historic England	<p><b>The significance of the historic environment</b></p> <p>This late 16th and 17th century house is timber-framed and rendered with gabled plain tile roofs and has a long two storey 17th rear extension with a gabled plain tile roof and black weatherboarded first floor. House is of two unequal but parallel wings at right-angles to street and is of two storeys with an extensive 19th century cellar.</p> <p>The front has two gables with 19th century barge-boards with semi-circular lobes, linked by short length of timber-framed parapet. Each has a two-storey cant-sided bay window with sashes with central vertical glazing bars. The bays are panelled between each storey and at the head, where consoles support flat hoods.</p> <p>There is a rebuilt 17th century stack through the rear of the ridgeline of the</p>	Comments noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>northern wing that has two diagonal shafts and a large 19th century stack in a similar position on the southern wing.</p> <p>There is a long rear range with a black weatherboarded first floor and rendered ground floor. First floor has two sash windows with moulded surround and single vertical glazing bar and mixture of 20th century windows. The ground floor has a 20th century glazed lean-to bay, bow and other modern windows.</p> <p>Internally there is a very high quality 16th century timber-frame that provides a condensed plan form. The rear staircase tower has jowled posts in reversed assembly with a curved wall brace, now with an 18th century splat-baluster winding stair. The wall between the wings has a mid-rail, a feature of brick houses of the period. The roof has A-frames with arched bracing to collars.</p> <p>The first floor a stone fireplace with a frieze of roses either side of a cartouche; an arched fire opening of four straight cants, carved spandrels with blank shields and quadrant-moulded jambs with vase stops.</p> <p>A smaller fireplace in the south wing has a semi-circular hearth. On the ground floor is the surviving jamb of a late 16th door opening and, above a fireplace, an early painted harvest scene.</p> <p>The rear extension range is part 17th century with much reused timber and a stack with a hole in the flank for a smoking chamber. There are very extensive late 19th cellars with a brick barrel-vault. Josua is listed at grade II* in recognition of its architectural and historic importance.</p> <p><b>The proposals and their impact on the historic environment</b></p> <p>Consent is sought for restoration and alterations to the exterior and interior of the existing house. The stated aim of the</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>proposals is to improve its appearance by removing some of the 20th century additions to the exterior of the building, reconfiguring the internal layout and improve its thermal performance.</p> <p>Externally the works will involve repairing older features of the building, removing the modern lean-to and conservatory and replacing modern windows with windows comprising contextually appropriate historic design details.</p> <p>The impact of the proposed works will be an enhancement on the existing situation, particularly as a result of the removal of the 20th century lean-to and conservatory.</p> <p><b>Historic England's position</b></p> <p>Having considered the comprehensive, high quality documentation submitted with the application, including the <i>Design and Access Statement</i> and <i>Heritage Statement</i> produced by Plater Claiborne Architecture and Design and the <i>Analysis of Early Phases of the House</i> by Tim Howson we are of the view that the proposed restoration and alterations to this grade II* house have been approached in an exemplary manner.</p> <p>The sensitive approach that has been adopted towards the proposed works will undoubtedly enhance this extraordinary building and appropriately safeguard the future of its historic fabric.</p> <p><b>Recommendation</b>  Historic England supports the application on heritage grounds.  The application meets the requirements of the NPPF, in particular paragraph numbers 184, 192 and 193.</p>	
The National Amenities Society	No response at the time of writing the report.	An update will be provided on the members' update.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist in Conservation and Heritage Assets	<p>No. 4 Silver Street is a grade II* listed building, situated in the Maldon Conservation Area. Most of the neighbouring properties are also listed buildings.</p> <p>The applications seek permission to make several alterations to the property with the aims of improving its external appearance, creating a more convenient internal layout and internally exposing and restoring elements of its historic design. The following paragraphs consider in turn the impact of the various proposals.</p> <p>The cellars beneath the property represent a very large but unused space. It is understandable that the owner should want to find some use for at least part of the complex. Only the cellar under the rear range of the house would be adapted and put into use. The plans show that a table and chairs would be introduced, so the space could be used as an unusual and atmospheric dining space. The applicant recognises that tanking or lining the walls of the cellar would severely compromise the character of the cellar, so such alterations are not proposed. Leaving all the brickwork exposed will preserve the appearance of the walls including the painted numbering on the stub partitions. Laying a floor of pavements on sand would preserve the character of the interior and would not impede the natural movement of moisture. The free-standing ventilation units will be quite discreet and should not harm the character of the space. I note that the external extracts for these ventilation units are not illustrated on the proposed elevations, but a suitably worded condition could be used to ensure they are of a sympathetic appearance.</p> <p>One partition would be removed to make this part of the cellar a more useable space. The partition in question has been altered several times and is not bonded into the original walls of the cellar, indicating it is a later addition. Its removal</p>	Comments noted. The conditions proposed have been imposed.

Name of Internal Consultee	Comment	Officer Response
	<p>would cause minimal harm. Most of the cellars – including many examples of stub partitions – would remain unchanged. The introduction of a secondary flight of stairs would be a more notable intervention. It would, however, affect only a small part of the cellar complex. There were steps down to this end of the cellar originally, albeit from outside the building. A narrow, high-quality, architect-designed flight of stairs – the detailing of which could be managed by condition – would in my view be an acceptable intervention. Overall, the proposed adaptation of the cellar would make it a space that could be more easily used and appreciated without compromising its special interest.</p> <p>The mid-18th-century rear range is the least-well preserved part of the house, having been altered in several ways in the third quarter of the 20th century. Several changes are proposed to improve the character and convenience of this part of the building. The northern side-porch was an unsympathetic and ramshackle late-20th century addition and I welcome its removal. The existing unsympathetic modern windows would be replaced with new windows more in keeping with the age and character of the property. The re-fenestration will involve the removal of some small areas of 18th-century wall structure, but the degree of loss would be kept to a minimum and seems justified by the positive aesthetic enhancement it will achieve. The secondary stair case proposed in the rear range between ground-floor and first-floor levels would be positioned where the existing common joists are later replacements, so would involve limited loss of historic structure. Alterations to the internal layout of the rear range would involve the removal of some late-20th century partitions (including two breeze block walls at ground floor) which possess no significance, and this reorganisation seems justified by the creation of a more convenient layout.</p> <p>The most notable external alteration to the front part of the house would be the removal of the lean-to roof at the northern</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>end of the frontage. This consists of machine-sawn pine rafters with a natural slate covering and is part of the 1919 refurbishment. The car port is an established element of the house and the street-scene and does not, in my view, detract from the special character of either. However, it is not an historically or architecturally important addition. I consider that removal of the lean-to roof would not harm the significance of the house or the conservation area. It would open up views of some of the older parts of the house and the 15th-century vicarage to the east. The existing gates would be retained, preserving some degree of enclosure to the street. At the back of the house is a dilapidated late-20th-century conservatory. The replacement of this with a new open-sided canopy would a positive improvement.</p> <p>Internally, elements of the 15th and 16th-century timber-framed structure would be exposed, repaired and partially restored where appropriate. The changes are based on an understanding of what was meant to be seen and would involve the loss of no important historic fabric. The work will enhance the character of the interior, better revealing the building's true antiquity. The new, breathable limecrete floor will manage moisture much more effectively, reducing the risk of future damp or decay. The limecrete floor in the position of the medieval open hall will preserve the remains of the open hearth which will be viewable under a hatch. Parts of the building require significant repair work, particularly the medieval timber-framed wall below a valley gutter which has leaked unnoticed over many years. The repair work is being specified by specialist conservation consultants and contractors which should ensure that the work is carried out to the highest and most sympathetic standards.</p> <p>To use the terminology of the NPPF and Policy D3 of the Maldon LDP, I advise that there are elements of this proposal that will cause a low level of "less than substantial harm" to the significance of the</p>	



Name of Internal Consultee	Comment	Officer Response
	<p>grade II listed building due to the removal of some localised areas of historic fabric. This harm is limited and decisively outweighed by the conservation benefits of the scheme (which are also public benefits for the purposes of paragraphs 196 of the NPPF), including enhancements of its external character, the exposure and restoration of important internal elements of its historic design, and sympathetic repair work which will secure the building's long-term preservation. The proposed replacement windows to the rear range would represent a modest enhancement of this part of the conservation area, insofar as there are glimpsed views of some of these windows from the street. No harm would be caused to the setting of nearby listed buildings.</p> <p>For the reasons outlined above I recommend the applications are approved, subject to conditions.</p>	

#### 7.4 External Consultees

Name of External Consultee	Comment	Officer Response
The Maldon Society	The removal of the carport is seen as a positive step to removing unattractive 20 <sup>th</sup> century additions, along with the side porch, rear conservatory, and modern windows that detract from the purity of the original structure. The extensive scope of the remedial and renovation works is a credit to the owner, who has retained notable expertise in ensuring that the completed project is an honest and knowledgeable tribute to the history and construction of the property.	Comments noted.

#### 7.5 Representations received from Interested Parties

- 7.5.1 **18** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Proposed changes will impact on the view of the streetscene and the enjoyment of neighbouring properties	Comments noted. See section 5.2 and 5.3.
Impact on neighbouring sites in terms of	Comments noted. See section 5.3. it is

<b>Objection Comment</b>	<b>Officer Response</b>
loss of privacy and the enjoyment of their gardens	not considered that the works would harm the amenity of neighbouring occupiers.
Concerns over the development of the cellars in terms of loss of historic fabric	Comments noted. See section 5.2.
Impact on neighbouring cellar in terms of moisture/damp	It is not considered that the works would result in increased moisture and damp in neighbouring cellars. It is noted that ventilation is proposed.
Development of cellar would set a precedent for other dwellings to do the same	Each application is assessed on its own merits. This would not be a reason to justify the refusal of the application.
The dwelling is grade II* listed	Comments noted.
Noise impacts from construction	This is not a material planning consideration and cannot be taken into account.
Concerns over the design and impact on the streetscene	Comments noted. See section 5.2.
Impact on the surrounding listed buildings	Comments noted. See section 5.2. It is not considered that the proposal would have a harmful impact on the character of surrounding listed buildings.
Concerns over the loss of the car port which is referenced in the listing	All parts of the building which were in place at the time it was listed, will be included in the listing. This does not restrict the ability to apply to alter the listed building, particularly when it is considered the proposal would enhance the character of the listed building and there would be benefits to the listed building which would outweigh the minor harm, as outlined in section 5.2. Please note that the Specialist in Conservation and Heritage Assets and Historic England fully support the proposal.
Impact from noise from ventilation unit	Comments noted. The ventilation unit is for residential use (no change of use has been applied for under this application) and therefore Environmental Health do not need to be consulted. If there is an noise nuisance resulting from this, this would be dealt with under legislation separate from planning.
Concerns over the use of the property as a party house, rented out	Comments noted. See section 5.3. This is not part of the proposal and is not a consideration for the application.
Works are already taking place	The application has not been submitted under section 73A of the Town and Country Planning Act 1990 in relation to retrospective applications.
Maldon should have a neighbourhood plan	Comments noted.

Objection Comment	Officer Response
Significant amount of changes proposed	Comments noted.
Concerns over the use of steel	Comments noted. The proposal is considered to enhance the appearance of the listed building.
Concerns over consistency with the conservation comments compared to other applications	This is not the forum to discuss conservation comments on other applications.
Inconsistencies with the proposed works to the cellar	The application has been assessed on the information provided.
Concerns over why like-for-like windows are not proposed.	Comments noted. See section 5.2 in relation to replacement windows.

7.5.2 **3** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
It is good to see a property where the historical elements are retained but the building is made suitable for modern life.	Comments noted.
<p>The plans for renovating 4 Silver Street look to be of a high quality, in sympathy with the area's history and architecture.</p> <p>It is encouraging to see one of the main buildings in Silver St being improved with such attention to its conservation needs and with a focus upon the history of the house.</p> <p>The plans do not seem to be changing any visual or heritage aspect of the overall street scene.</p>	Comments noted.
I am very keen that old buildings in Maldon are maintained and appropriately modernised while keeping or enhancing the original features.	Comments noted.

## 8. **PROPOSED CONDITIONS**

**GRANT PLANNING PERMISSION** subject to the following conditions:

- The works hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON** To comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 2017/02
  - 2017/04
  - 2017/06
  - 2017/08

- 2017/10
- 2017/11
- 2017/12
- 2017/13
- 2017/14
- 2017/19
- 2017/Loc01 rev A
- 2017 03A
- 2017 05A
- 2017 07A
- 2017 09A
- 2017 15A
- 2017 16A
- 2017 17A
- 2017 18A
- 2017 Design and Access Statement Rev A
- Heritage Statement
- 4 Silver Street notes by Tim Howson
- BJHC Excavation Report 4 Silver Street
- 4 Silver St Maldon Paint Investigation Feb 2021 low res[1]

REASON To ensure that the development is carried out in accordance with the details as approved.

**GRANT LISTED BUILDING CONSENT** subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON To comply with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- 2017/02
- 2017/04
- 2017/06
- 2017/08
- 2017/10
- 2017/11
- 2017/12
- 2017/13
- 2017/14
- 2017/19
- 2017/Loc01 rev A
- 2017 03A
- 2017 05A
- 2017 07A
- 2017 09A
- 2017 15A
- 2017 16A
- 2017 17A
- 2017 18A
- 2017 Design and Access Statement Rev A
- Heritage Statement
- 4 Silver Street notes by Tim Howson
- BJHC Excavation Report 4 Silver Street
- 4 Silver St Maldon Paint Investigation Feb 2021 low res[1]

REASON To ensure that the development is carried out in accordance with the details as approved.

3. Prior to their use in the development hereby approved, the proposed materials to be used in the external surfaces of the development hereby approved shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details and retained as such thereafter. All other materials shall be as set out within the application form/plans hereby approved.

REASON In the interest of the character and appearance of the listed building and 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. Large-scale drawings of all new windows and doors – showing elevations at 1:20 and sections through heads, cills, jambs, glazing bars and glazing – shall be submitted for approval by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

5. Large-scale drawings of the new flights of stairs shall be submitted for approval by the local planning authority prior to their installation, prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

6. Details of the location and external appearance of all new flues and extract vents shall be submitted for approval to the local planning authority, prior to their installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

+Prior to the commencement of the development, a report by a conservation-accredited structural engineer specifying all structural repairs and alteration shall be submitted for approval to the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

7. Prior to the installation of the limecrete floor, a specification of the proposed limecrete floor – including details of its depth, extent, finish. and the manner in which the medieval hearth shall be preserved and remain viewable – shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

8. Prior to the commencement of any plastering, a specification detailing all new internal and external plaster finishes shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework

- 9 All new rainwater goods shall be of cast metal finished black and retained as such thereafter.  
REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework
10. All new external joinery shall be of painted timber and retained as such thereafter.  
REASON In the interest of the character and appearance of the listed building and the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

<b>Application Number</b>	<b>21/00339/FUL</b>
<b>Location</b>	Quest Motors Wycke Hill Business Park Maldon
<b>Proposal</b>	Erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or Class B8 and/or Class B8 with ancillary showroom and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works
<b>Applicant</b>	Barkby Real Estate Developments Ltd
<b>Agent</b>	Karen Calkin – Firstplan
<b>Target Decision Date</b>	02.08.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>TOWN COUNCIL MALDON</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

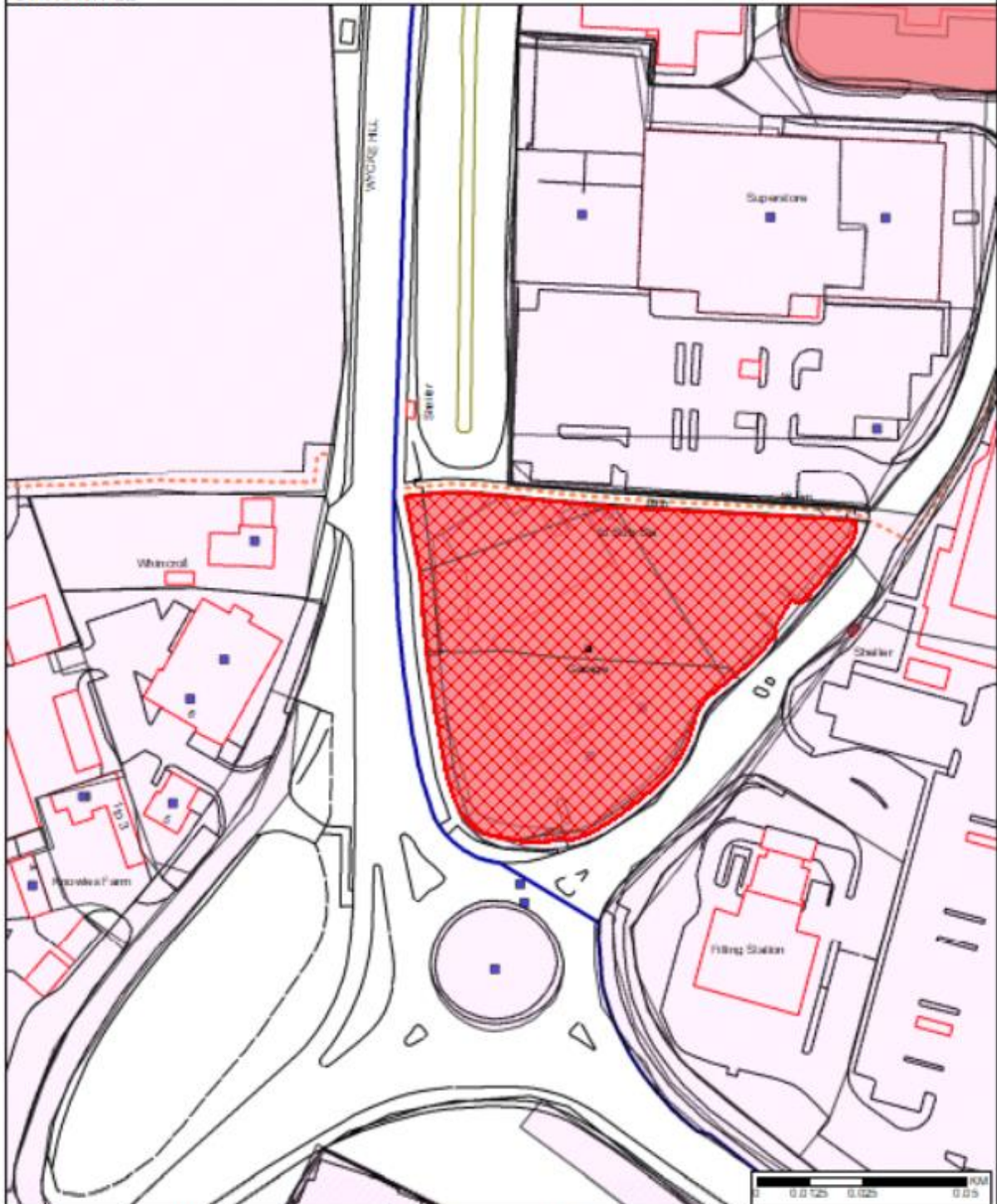
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see below.

**Quest Motors, Wycke Hill Business Park, Maldon**  
**21/00339/FUL**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	09/07/2021
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the south of Maldon and is currently vacant but was last occupied by Quest Motor Group who operated a car showroom and MOT testing/workshop from the site. The 0.69ha site is triangular in shape with a single storey, flat roofed building located roughly centrally and an area around the site's perimeter which was used to display cars for sale. To the north is Wickes and Pets at Home, with Morrisons supermarket and petrol filling station to the east, beyond a mini-roundabout. To the north of Wickes is Wycke Hill Business Park which consists of various employment/industrial units. The nearest residential property is located approximately 42m to the west on the opposite side of Wycke Hill.
- 3.1.2 Land to the west and south, beyond Wycke Hill, is allocated for residential development within the approved Maldon District Local Development Plan (MDLDP) with a small area also allocated for employment opposite the site on land adjacent to Knowles Farm (E1(q)).
- 3.1.3 The site is not allocated for any specific use in the approved Local Development Plan (LDP). The site is within the settlement boundary for Maldon but the western boundary of the site forms part of the settlement boundary. There is a public footpath along the northern boundary of the site.
- 3.1.4 Vehicular access to the site is via the access road serving the Business Park to the north which connects with a roundabout at the junction of Wycke Hill, Limebrook Way and Maldon Road located adjacent to the site's southern boundary.
- 3.1.5 Planning permission is sought for the erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or Class B8 and/or Class B8 with ancillary showroom and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works.
- 3.1.6 It is the applicant's intention that Unit 1 (408.8sq.m.), to be located in the north-eastern corner of the site, would be an autocentre such as Formula One (Class B2) but, for flexibility, planning permission for Class B8 with ancillary showroom is also sought.
- 3.1.7 Unit 1 would measure 30.4m in length x 14.9m in width and 8.2m in height with a pitched roof (to include roof lights). The external materials would consist of a mixture of black and silver coloured metal cladding with elements of timber cladding and a grey coloured metal clad roof.
- 3.1.8 Units 2 and 3 (278.7sq.m. and 557sq.m., respectively) would be located in the north-western corner of the site and are described as employment/trade units. Tool Station is a potential occupier for Unit 2 but, for flexibility, consent for Class B2 and/or Class B8 and/or Class B8 with ancillary showroom is also sought. The applicant has suggested that a 30% restriction on floorspace for any showrooms/displays is imposed to ensure these elements remain ancillary which they suggest is an approach taken by other local planning authorities.
- 3.1.9 Units 2 and 3 would be within a second building which would measure 32.9m in length x 27.6m in width and a maximum of 9.3m in height with a pitched roof (to include roof lights). The external materials would match Unit 1.

- 3.1.10 Unit 4 (167.2sq.m.) is proposed as a drive-through coffee shop (Class E) to be located in the southern part of the site. Indoor and outdoor seating would be provided along with a drive-through lane. The applicant suggests that this element of the proposal would *'provide an ancillary and complementary function to the employment uses proposed on the site, and the wider employment area'*.
- 3.1.11 Unit 4 would be a third building which would measure 17.6m in length x 13.9m in width and be a maximum of 6m in height with a mono-pitched roof. The external materials would consist of a mixture of white and red render, a blue brickwork plinth and timber cladding for the walls and a grey coloured profiled metal roof. There would be a bin/plant store attached to the southern elevation of the building which would project 4.3m and extend 7m in length. The store would be enclosed with 2.6m high fencing which would match the timber cladding proposed on the southern elevation of the building. The applicant's agent has advised that extraction equipment would not be required for the type of Class A3 use proposed.
- 3.1.12 The majority of the existing vegetation along the site's boundaries would be retained and new planting is also proposed.
- 3.1.13 It is stated that the existing car showroom extends to 1200sq.m. of floorspace and that the floorspace proposed would total 1411.7sq.m. (1244.5sq.m. for the main building and 167.2sq.m. for the drive-through coffee shop). The applicant advises that the development is likely to provide employment opportunities greater than the previous use of the site (which provided 25 full time jobs), estimating that between 28-35 full time jobs would be provided.
- 3.1.14 The proposed hours of opening would be as follows:
- Class B2 use: 08:30 to 18:00 Monday to Friday; 08:30 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays
  - Drive-through coffee shop: 05:00 to 23:00 Monday to Sunday
  - Units 2 and 3 (other employment/trade units): 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank Holidays
- 3.1.15 Vehicular access to the site would be provided via a new access off the existing mini-roundabout along the access road to the Wycke Hill Business Park to the north of the application site. The existing vehicular access would be removed and replaced with a footpath.
- 3.1.16 A total of 52 car parking spaces are proposed three of which would have electric charging points. Four operational spaces are also proposed in front of Units 2 and 3 as well as three MOT bays in front of Unit 1. There would be 8 cycle parking spaces adjacent Unit 1 and 6 adjacent to the proposed coffee shop.
- 3.1.17 The application is supported by a number of documents, as follows: Design and Access Statement, Landscape Strategy, Transport Assessment and Transport Statement Update, Contamination Study, Noise Assessment, Sustainable Drainage Strategy, Arboricultural Impact Assessment, Health Impact Assessment, Sustainable Drainage Strategy as well as a Planning, Economic and Sequential Approach Statement.

## **3.2 Conclusion**

- 3.2.1 It is considered that the proposal would be acceptable in principle and would not cause material harm to the character or appearance of the area. Furthermore, the development would not cause material harm to local residents, subject to the

imposition of conditions. No concerns are raised in relation to highway safety/access/parking provision or contaminated land. It is anticipated that the issues raised in relation to surface water drainage by the Essex County Council (ECC) SuDS Team can be addressed prior to the determination of the application.

#### **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

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

- Policy S1 – Sustainable Development
- Policy S8 – Settlement Boundaries and the Countryside
- Policy E1 – Employment
- Policy E2 – Retail Provision
- Policy D1 - Design Quality and the Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- 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)

#### **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, drainage and highway safety/access/parking issues. The issue of contaminated land would also require consideration.

##### **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 E1 states that proposals to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current need of local businesses in the District. The Policy also states that, outside designated employment allocations, new provision for high quality employment space or the extension of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations, which are matters discussed below.
- 5.2.3 Policy E1 requires that new employment uses are directed towards the designated employment areas before other sites are considered, the previous use (a car showroom and MOT/workshop facility) was an employment generating use and therefore, the redevelopment of the site for a new employment use is considered acceptable. Whilst it is acknowledged that the coffee shop element proposed would not be an employment use it is small scale and the provision of new fit for purpose buildings would outweigh the relatively small loss of employment land. Furthermore, the site is in close proximity to a number of retail spaces and it is considered that the proposed coffee shop would complement the wider area and therefore, is acceptable in planning terms.
- 5.2.4 In support of the proposal, reference is made to the employment the industrial/trade specialist uses would generate, that the development would bring new investment into the District and that the development would complement the existing range of uses within the adjacent Business Park.
- 5.2.5 Based on the above, it is considered that the development proposed would be appropriate to the site, given its previous use, would be acceptable in principle and is not contrary to Policy E1 of the LDP.
- 5.2.6 As part of the application, it is suggested that other local planning authorities have accepted the trade specialist uses proposed as 'Class B8 with ancillary showroom' (a sui generis use). In their view, this *'highlights the predominantly storage and distribution nature of their business whilst acknowledging that the units incorporate showroom/display areas, and that sales, albeit predominantly to the trade sector, also occur on site'*. It is also suggested that a common approach taken by other local planning authorities is to restrict the showroom/display area for such uses to 30% of the floorspace. It is considered that it would be necessary to limit the floorspace used as showrooms/display areas within the units to ensure that these elements remain ancillary to the employment uses proposed.
- 5.2.7 Policy E2 relates to retail provision. The Policy requires that a retail impact assessment is submitted for applications where new retail floorspace proposed exceeds 1,500sq.m. in Maldon and Heybridge and the new retail use is in an edge or out-of-centre locations, such as the site the subject of this application. However, the retail floorspace proposed would be less than this 1,500sq.m. threshold.
- 5.2.8 Policy E2 also requires that additional retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of-centre or out-of-centre sites be considered although it is acknowledged, in the Policy, that there is, to a limited extent, potential to locate new retail space, in the form of Local Centres, to

support the garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2.

- 5.2.9 In support of the application, the applicant has advised that there are no available retail units within Maldon town centre which could accommodate the specific use proposed i.e. a drive-through coffee shop. Officers have no reason to disagree that there are no suitable and viable sites within the town centre to accommodate the coffee shop proposed. Furthermore, as stated above, it is considered that the coffee shop would be a use which would be appropriate when considering the wider commercial nature of the site and its surroundings
- 5.2.10 Based on the above, it is considered that the development proposed would be appropriate to the site, would be acceptable in principle and is not contrary to Policy E2 of the LDP.

### **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 MDD (2017).

- 5.3.5 The new buildings would replace an existing building which has a floorspace of 1200sq.m. and a flat roof height of 7.2m located roughly centrally within the site. The combined floorspace of the new buildings would result in a limited increase of floorspace on site of around 210sq.m.. The height of the two larger buildings would be 8.2m or 9.3m which would be greater than the height of the existing building, but these new buildings would have pitched roofs, unlike the existing building, and would be located in a less visually prominent part of the site than the existing building (the north-eastern and north-western corners of the site) behind existing, boundary vegetation. The proposed coffee shop would be marginally closer to the southern and western boundaries of the site than the existing building but would have a significantly smaller footprint and would be lower in height. The Maldon Society has raised concerns regarding the location of the bin storage enclosure but, whilst it would be less visible if it were to be located on the northern rather than the southern elevation of the building, the timber enclosure would be viewed with the coffee shop as a backdrop, match the timber cladding on the building to which it would be attached and, in the context of the development as a whole, would not cause material harm to the character and appearance of the area. No objection is raised to the external materials proposed which are considered to be appropriate for the type of development proposed. The majority of the existing vegetation would be retained and new planting along the site boundaries is proposed. A condition requiring details of works within the Tree Protection Areas of the trees to be retained, as recommended by the Consultant Arboriculturalist, is included below.
- 5.3.6 Based on the above, it is considered that the layout and design of the development would be acceptable, and the proposal would not cause material harm to the character or appearance of the area, in compliance with Policy D1 of the LDP.

#### **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 Wycke Hill. A Noise Assessment has been submitted in support of the application.
- 5.4.3 The Specialist - Environmental Health has raised no objections to the proposal, subject to a condition requiring a Construction Management Plan.
- 5.4.4 Based on this advice and taking into account the fact that the development would replace an existing use which would have generated noise and disturbance and as the nearest residential properties would be separated from the development by a busy road (Wycke Hill), it is not considered that the development would cause harm to the amenity of the existing residents in the vicinity of the site, in compliance with Policy D1 of the LDP.

#### **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 There is no specific parking standard for a Class B8 use with an ancillary showroom, but the following standards are considered to be relevant to the development proposed:-

Class B2

General Industry: car parking 1 space per 50sq.m.; cycle parking 1 space per 100sq.m. for staff and 1 space per 400sq.m. for visitors

Class B8

Storage and Distribution: Warehouse distribution: Car parking 1 space per 100sq.m., 1 lorry space per 200sq.m. Cycle parking 1/500sq.m. for staff; 1/1000sq.m. for visitors

Class A3 (now part of Class E)

Roadside cafes (including drive through outlets): Car parking 1 space per 5sq.m. Cycle parking 1 per 4 staff and 1 per 25sq.m. for customers.

5.5.4 Unit 1 would have a floorspace of 408.8sq.m. which equates to a need to provide a minimum of 9 car parking spaces and five/six cycle parking spaces. Units 2 and 3 would have a combined floorspace of 835.7sq.m. which equates to a need to provide a minimum of 9 car parking spaces and three cycle parking spaces. Unit 4 would have a floorspace of 167.2sq.m. which would equate to a need to provide a minimum of 34 car parking spaces, 7 cycle parking spaces for customers plus cycle parking for staff.

5.5.5 The proposal includes 22 car parking spaces and 8 cycle parking spaces for Units 1, 2 and 3 and 30 car parking spaces and 6 cycle parking spaces for Unit 4. There would be an under-provision of two car parking and one cycle parking space for Unit 4 but the car parking and cycle parking proposed is considered to be acceptable as this deficiency is minor and would not justify a refusal of planning permission.

5.5.6 The size of the parking spaces proposed does not comply with the minimum dimensions recommended in the Vehicle Parking SPD and no lorry parking is proposed but amended drawings have been requested to address these issues.

5.5.7 In terms of the proposed means of vehicular access to the site, Essex County Council Highways (ECC) has raised no objections subject to the imposition of conditions. Based on this advice, it is considered that the proposed means of access would be acceptable, and the proposal would not have an adverse impact on highway safety.

## **5.6 Drainage**

5.6.1 No concerns are raised to the foul drainage proposed as this would be to the mains sewer.

5.6.2 With respect to surface water drainage, the ECC SuDS Team has advised that further/revised details are required regarding the surface water drainage proposed.

Further/revised information has been submitted and a further consultation response from the SuDS Team is awaited. However, given the nature and extent of the development proposed and as this is a brownfield site, there is no reason to expect that the SuDS Team's concerns could not be overcome. Subject to the applicant being able to overcome the SuDS Team's holding objection, no objection is raised to the proposal on the basis of surface water drainage (Policy D5).

## **5.7 Contaminated Land**

- 5.7.1 Based on the advice of the Specialist – Environmental Health, no concerns are raised in relation to contaminated land subject to the imposition of the condition recommended by the Specialist (Policy D2).

## **5.8 Other Matters**

- 5.8.1 There are two 'pre-commencement' conditions recommended below. Agreement from the applicant to the imposition of these conditions has been sought (12.07.2021) and their response is awaited.

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

- **04/00015/FUL** - Car showroom facility with associated ancillary space, MOT testing station, workshop facility and steamer bay – Approved 17.06.2004
- **06/01200/FUL** – Erection of car preparation and hand-over enclosure – Approved 15.05.2007
- **11/00673/FUL** - Construction of a new single storey hand over bay to existing car showroom building. Internal alterations and re-painting of Kingspan external cladding – Approved 05.10.2011

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

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

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council (ECC) SuDS Team	Holding objection based on the following: 0 Safety factor - this should be increased to 2. 0 The discharge rate has been set at the minimum requirement of 50% betterment which provides a discharge rate of 35.6 l/s. The discharge rate should be the 1 in 1 greenfield rate or as close as practically possible. A viability	Noted – the applicant has submitted additional/revised information and a further response from the SuDS Teams is awaited. Refer to section 5.6 of report.



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>assessment should be provided before the minimum requirement is utilised.</p> <p>o Water treatment - the level of treatment is not satisfactory for water coming off the medium pollution risk road - silt traps and catchpits are not considered to offer any treatment. An additional treatment feature will need to be provided alongside the proprietary treatment device.</p>	
Environment Agency	No objection based on no infiltration SuDS at the site, and no sensitive water receptors at the site.	Noted.
Essex County Council Highways (ECC)	<p>To access the site the applicant has proposed to close the existing access on Wycke Hill Business Park and create a new access via a fourth arm of the existing Wycke Hill Business Park / Morrison's mini-roundabout. A stage 1 Road Safety Audit has been conducted for the proposed access and 2.4m x 43m visibility splays can be achieved in accordance with Manual for Streets standards. The proposed development is likely to generate a modest increase in peak hour trips compared to its existing use. However, the impact on the local highway network capacity is expected to be limited and in no way severe, which is the requirement to recommend refusal on highways grounds under NPPF guidance. The proposal as submitted is therefore not considered detrimental to highway safety, capacity or efficiency, Consequently, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the imposition of conditions requiring a Construction Management Plan, the suitable and permanent closure of the access to be closed, controlling the details of new accesses, provision of the parking area proposed, no discharge of surface water onto the highway and maintenance of the public's rights and ease of passage over public footpath no 1 (Maldon) at all times, and informatives.</p>	Noted – the conditions recommended are included below. Refer to section 5.5 of report.
Cadent Gas	There is apparatus in the vicinity of	Comments

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	the site.	noted.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections subject to conditions requiring a Construction Management Plan and relating to contaminated land.	Noted – the conditions recommended are included below. Refer to sections 5.4 and 5.7 of report.
Arboricultural Consultant	No objection to the trees shown to be removed for sight lines, these can be replicated elsewhere on site with new planting. Recommends that a condition is imposed requiring a tree protection method statement, to include how work within the Tree Protection Areas will be carried-out and for other trees shown to be retained.	Noted – the condition recommended are included below. Refer to section 5.3 of report.

### 7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received objecting to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Concern regarding the visual prominence of the bin and waste store for the Costa coffee shop - the appearance of the proposal from the main road would be improved if elevation 2 was swapped with elevation 4.	Noted – refer to section 5.3 of report.

## 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 in accordance with the following approved plans and documents:

Site Location Plan 16408-99C

Existing Context Plan 16408-100C  
 Existing Site Plan 16408-101C  
 Existing GA Plan 16408-102A  
 Existing Roof Plan 16408-103A  
 Existing Elevations 16408-104A  
 Proposed Context Plan 16408-110F  
 Proposed Site Plan 16408-111G  
 Proposed Site Sections 16408-112C  
 Proposed Street Scene 16408-113  
 Unit 1 Proposed GA Plan 16408-120B  
 Unit 1 Proposed Roof Plan 16408-121C  
 Unit 1 Proposed Elevations 16408-122C  
 Units 2&3 Proposed GA Plan 16408-130B  
 Units 2&3 Proposed Roof Plan 16408-131C  
 Units 2&3 Proposed Elevations 16408-132C  
 Unit 4 GA Plan 16408-140A  
 Unit 4 Roof Plan 16408-141B  
 Unit 4 Proposed Elevations 16408-142D  
 Proposed Cycle Shelter 16408-150A  
 Landscape Plan – 16408-VL-L01E  
 External lighting - D42260/LKM/C

Outline drainage layout - 4919-HJCE-ZZ-XX-DR-C-3001 rev.PO1  
 Drainage areas proposed - 4919-HJCE-ZZ-XX-DR-C-3002 rev.PO2  
 Sustainable Drainage Strategy

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 policy D1 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.

- 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 opening hours shall be limited to the following:

- Class B2 use: 08:30 to 18:00 Monday to Friday; 08:30 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays
- Drive-through coffee shop: 05:00 to 23:00 Monday to Sunday
- Units 2 and 3 (other employment/trade units): 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank 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.

- 6 Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified, it must be reported in writing to the local planning authority immediately, a risk assessment of the site undertaken and a scheme to bring the site to a suitable condition submitted to and agreed in writing by the Local Planning Authority. A "suitable condition" means one in that represents an acceptable

risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work shall be undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11)', the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

REASON To ensure that any contaminated land within the site is dealt with appropriately, in accordance with Policy D2 of the approved Maldon District Local Development Plan and the NPPF.

- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. wheel and underbody washing facilities
  - e. the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
    - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
    - b) no dust emissions should leave the boundary of the site;
    - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
    - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
  - f. measures to prevent the pollution of ground and surface waters
  - g. where any soils that are known to be contaminated are being excavated /exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care.
- REASON To ensure that on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of local residents, in accordance with Policies T2 and D1 of the approved Maldon District Local Development Plan and the NPPF.
- 8 The existing access on Wycke Hill Business Park as shown on the site layout plan (DWG No.16408-101C) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.
- REASON To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 9 Prior to first occupation of the development, and as shown on planning DWG No. 16408-111G, the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 12.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- REASON To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of

- highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 10 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.  
REASON To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 11 The public's rights and ease of passage over public footpath no 1 (Maldon) shall be maintained free and unobstructed at all times.  
REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 12 The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on drawing number 16408-111G prepared by The Harris Partnership Architects, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.  
REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 13 The cycle parking facilities as shown on the approved plan 16408-111G shall be provided prior to the first occupation of the development and retained at all times.  
REASON To ensure appropriate bicycle parking is provided in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 14 There shall be no discharge of surface water onto the Highway.  
REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 15 Prior to any works being carried-out within the Tree Protection Areas of the trees to be retained, details of the works shall have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.  
REASON In the interests of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.
- 16 Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works shall be fully implemented in accordance with the approved details. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.  
REASON In the interests of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.

- 17 No more than 30% of each of Units 1, 2 and 3 shall be used as a showroom/display of items for sale at any time.  
REASON In order to ensure that this element remains ancillary to the use of these units, in accordance with Policies E1 and E2 of the approved Maldon District Local Development Plan and the NPPF.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Unit 4 shall only be used as a drive through coffee shop and no other use at any time.  
REASON Planning permission is granted for this use on the basis that it is a supportive/complementary use, in accordance with Policies E1 and E2 of the approved Maldon District Local Development Plan and the NPPF.

### **INFORMATIVES**

1. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footway no1 (Maldon) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
2. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with Essex County Council. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
3. The developer will be responsible of the expense of moving any existing utilities located within the Highway.
4. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)
5. Cadent Gas has advised that apparatus has been identified as being in the vicinity of your proposed works: Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity). BEFORE carrying out any work you must - contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted; - ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>; - in line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.