

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

09 November 2021

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE** on **WEDNESDAY 17 NOVEMBER 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
VICE-CHAIRMAN	Councillor Mrs J C Stilts
COUNCILLORS	Miss A M Beale M R Edwards M S Heard B B Heubner K M H Lagan C Mayes S P Nunn N G F Shaughnessy C Swain





**AGENDA  
CENTRAL AREA PLANNING COMMITTEE**

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**WEDNESDAY 17 NOVEMBER 2021**

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 20 October 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. **21/00813/ADV - McDonald's Fullbridge Essex CM9 4LE** (Pages 15 - 22)

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

6. **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 No. 5.
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.

### **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

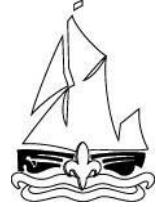
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### 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  
20 OCTOBER 2021**

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**PRESENT**

Vice-Chairman                      Councillor Mrs J C Stilts  
(in the chair)

Councillors                              M S Heard, B B Heubner, K M H Lagan, C Mayes, C Morris,  
S P Nunn, N G F Shaughnessy and C Swain

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss A M Beale and M R Edwards.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 25 August 2021 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

There were none.

**5. 21/00339/FUL - QUEST MOTORS, WYCKE HILL BUSINESS PARK, MALDON**

<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 specified Sui Generis uses 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>MALDON TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following the Officer's presentation an Objector, Mr Smye addressed the Committee on behalf of the Maldon Society followed by the Agent Ms Miles.

In response to questions from Members, the Specialist Development Management provided the Committee with the following information:

- In respect of car parking, it was confirmed that the scheme met the required number of parking spaces to accord with the Council's car parking standards however in addition to this number there were some spaces which were not of the recommended minimum size.
- Any changes to the uses conditioned would require permission from the Council. The Officer outlined the different Use Classes.
- In response to a question regarding conditioning the use of recyclable cups Members were informed that this was not within the powers of the Local Planning Authority, however an informative could be added to encourage their use. Councillor N G F Shaughnessy requested that this informative be added.
- It was confirmed that there would be electric vehicle charging points provided within the scheme.

Councillor C Morris proposed that the Committee accept the Officers' recommendation with an additional condition to change the layout as indicated by the objector in his presentation. This proposal was not supported.

There was some concern raised regarding the addition of another national brand of coffee shops rather than an independent shop. Members were advised that this was not something that could be controlled through the planning process.

Following further discussion Councillor M S Heard proposed that the application be approved, subject to all of the car parking spaces being 2.9 x 5.5m and therefore complying with the Council's parking standards and that an electric vehicle charging point be provided within the proposed coffee shop parking area. This proposal was duly seconded.

In response to Councillor Heard's proposal, the Officer explained that the Developer was not able to make all the parking spaces larger without interfering with access areas. Members discussed all car parking spaces being the minimum size and the Officer highlighted how there may not be enough space to do this in some areas resulting in the loss of some spaces. Following further discussion, the Officer suggested that should Members be mindful to agree the additional condition proposed this should request that a revised parking layout, with all spaces at least the minimum size, be provided by the applicant for approval. Councillor Heard supported this and amended his proposal accordingly.

The Chairman confirmed that the additional condition would come back to the Chairman of the Committee for agreement. She then put the proposal in the name of Councillor Heard and upon a vote being taken this was duly agreed.

**RESOLVED** that this 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:  
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 16408-110G  
 Proposed Site Plan 16408-111 I  
 Proposed Site Sections 16408-112 D  
 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 16408-130C  
 Units 2&3 Proposed Roof Plan 16408-131D  
 Units 2&3 Proposed Elevations 16408-132D  
 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-L01F  
 External lighting - D42260/LKM/C rev.A  
 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  
 Updated Transport Assessment May 2021

- 3 The materials used shall be as set out within the application form/plans hereby approved.
- 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.
- 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
- 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 the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.
- 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.
- 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.
- 9 Prior to first occupation of the development, and as shown in principle on planning DWG No. 16408-111 rev.I, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 12.5 metres. Any redundant parts of the existing accesses on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed new accesses are brought into first beneficial use.
- 10 Prior to occupation of the development, the access at its centre line of the entry lane shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 40 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.
- 11 The public's rights and ease of passage over public footpath no 1 (Maldon) shall be maintained free and unobstructed at all times.
- 12 Notwithstanding the details submitted (drawing number 16408-111 rev.I), the development hereby approved shall not be occupied until such time as vehicle parking has been provided in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. The details shall accord with the adopted Maldon District Vehicle Parking Standards SPD (2018) and only include parking spaces measuring at least 2.9m in width x 5.5m in depth and at least one electric vehicle charging point for use by customers of the drive-through coffee shop. The approved area shall have 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.
- 13 The cycle and powered two wheeler parking facilities as shown on the approved plan 16408-111 rev.I shall be provided prior to the first occupation of the development and retained at all times.
- 14 There shall be no discharge of surface water onto the Highway.
- 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.
- 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.
- 17 No more than 30% floorspace of each of Units 1, 2 and 3 shall be used as a showroom/display of items for sale at any time.
- 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.
- 19 No additional floorspace shall be created within any of the units hereby permitted.
- 20 Prior to the occupation of any of the units hereby permitted, a delivery and servicing management plan for all tenants shall be submitted to and approved in writing by the local planning authority. The Plan shall cover the following matters:
- Intended operating hours and servicing hours for each tenant;
  - For each tenant information on expected deliveries per week, in terms of frequency, duration of loading/unloading;
  - For each tenant information on delivery vehicle types (specifically when vehicles larger than 7.5t are expected);
  - a plan showing the car parking layout and intended unloading areas; and
  - To review the Plan on an annual basis and submit an update to the local planning authority for approval in writing including where there is a change of tenant.
- 21 The Sui Generis uses permitted for Units 1, 2 and 3 shall be restricted to the following unless otherwise agreed in writing by the local planning authority:
- Builders and Plumbing Merchants (including kitchens, bathrooms, tiles, joinery, building and decoration supplies)
  - Electrical Wholesale
  - Motor Supplies
  - Hair and Beauty Supplies
  - Tool Hire and Sales

**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
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.
  6. The Council would encourage the use of fully recyclable tableware by the occupier of the approved drive-through coffee shop along with measures to maximise the opportunities for recycling of these products.

#### 6. 21/00646/FUL - BARN AT MALDON WYCKE, SPITAL ROAD, MALDON

<b>Application Number</b>	<b>21/00646/FUL</b>
<b>Location</b>	Barn at Maldon Wycke, Spital Road, Maldon
<b>Proposal</b>	Conversion of barn into one residential dwelling with alterations and a new car port.
<b>Applicant</b>	Darren Arnall – Punch Construction Ltd
<b>Agent</b>	Edward Morton – The Morton Partnership Ltd
<b>Target Decision Date</b>	10.09.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers

In response to a query the Specialist: Development Management outlined the reason why this application had been brought to the Committee for consideration.

The Officer presented the report and highlighted that the related Listed Building application had been granted under delegated powers.

Councillor C Morris proposed that the Officers' recommendation be approved. This proposal was duly seconded and agreed.

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

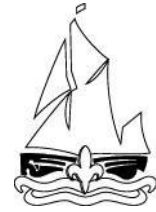
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 1609.sur03
  - 1609.sur04
  - 20951/01 Rev.A - SITE LOCATION PLAN
  - 20951/02 - SITE BLOCK PLAN
  - 20951/03 - EXISTING ELEVATIONS
  - 20951/04 - PROPOSED ELEVATIONS

- 20951/05 - PROPOSED FLOOR PLANS AND SECTIONS
  - 20951/06 existing floor joist removal for staircase
  - CR\_CRPS\_MB\_A - Details of conservation rooflights
  - 20951/C/10 cart lodge floor plans
  - 20951/C11 cart lodge elevations
  - 20851/C/01 Rev.B
  - Klargester BioDisc Domestic Sewage Treatment Plant brochure
  - Diagram 1 Drainage Field
  - Details previously approved under application reference 21/05083/DET.
- 3 Prior to their use on site, photographs of the roof tiles to be used for the cart lodge hereby permitted, and details of their source, shall be submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.
  - 4 The dwelling hereby permitted shall not be occupied until the proposed means of surface water and foul drainage has been provided. The development shall be retained in accordance with the approved details thereafter.
  - 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation Plan (EECOS, March 2021).
  - 6 Prior to the occupation of the dwelling hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
  - 7 Prior to the occupation of the dwelling hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
  - 8 The public's rights and ease of passage over public footpath 2 (Maldon) shall be maintained free and unobstructed at all times.
  - 9 No fencing, walls, gates or other means of enclosure shall be erected within the site unless details have first been submitted to and gained the prior written approval of the local planning authority.

There being no other items of business the Chairman closed the meeting at 8.45 pm.

MRS J C STILTS  
CHAIRMAN

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
17 NOVEMBER 2021**

Application No:	<b>21/00813/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:	29 October 2021 - EoT until 19th November 2021
Parish:	<b>MALDON</b>
Case Officer:	Hannah Dungate
Reason for referral to Committee:	Previous Committee Decision

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.





### **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 five single standing Digital Menu Boards (labelled as sign 2), and one 15" display screen (labelled as sign 3) to be attached to the southeast elevation of the main building.
- 3.1.3 This application follows a previously refused application for a similar development (Reference 21/00271/ADV). The signs would be located in the same position, either side of the drive-thru lanes serving McDonald's, as the signs proposed as part of the previously refused application (21/00271/ADV refers). The main difference between this application and the previously refused scheme is that the proposed standing signs would now consist of single screens only and would not be double width. The signs would measure 0.84m in width, which has been reduced from 1.5m in width, 1.3m in height and 0.1m in depth. The overall height of the signage, including the base stand, would be 2m in height which would remain the same as the previous proposal.
- 3.1.4 The application also includes a 15-inch LCD display screen at the digital booth located on the eastern side of the building, which would measure 0.39m wide, 0.09m deep and 0.35m high and would be located 1m above ground level. The signs would be internally illuminated.
- 3.1.5 It is noted that signage around the building in association with the reconfiguration of the drive-thru element of the McDonalds, has previously been approved as part of application refs. 20/00269/FUL and 21/000270/ADV.

#### **3.2 Conclusion**

- 3.2.1 The reduction in the size of the digital screens at the site, from four double width screens, and one single width screen, to five single screen standing signs only, is considered to overcome the previous reason for refusal and would reduce the overall visual clutter at the site. The proposed signage, in terms of style, design, siting and materials would not have a detrimental impact upon the character and appearance of the area and would be considered to be acceptable in the locality. Furthermore, the proposed signage would not have a detrimental impact upon highway safety. As such, the proposal 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 (NPPF) 2021 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
- 55-59 Planning conditions and obligations
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 189-217 Conserving and enhancing the historic environment

##### 4.1.1 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

##### 4.1.2 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards (VPS) 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 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 The previous application was refused for the following reason:

*“As a result of the number and size of the advertisements proposed and the limited size of the application site, the proposal would result in visual clutter and an excess of advertisements on this site, thereby harming the character and appearance of the site and the surrounding area contrary to Policies D1 and D6 of the approved Maldon District Local Development Plan.”*

5.2.3 The level of signage proposed at the site has been reduced, following the previously refused application (reference 21/00271/ADV), and would now consist of five single standing signs only, instead of four double width signs and one single width standing sign. This reduction in digital screens, from nine to five in total, would reduce the overall number of advertisements at the site so that there would no longer be an excess of advertisements at the site. The scale and proportions of the adverts are not considered to be disproportionate to the size of the site or the main restaurant building and would not therefore be visually obtrusive or result in visual clutter. For the reasons addressed above, it is considered that the previous refusal reason for the application has now been overcome and the proposed application would not cause harm to the character and appearance of the site in accordance with policy D6 of the Maldon District LDP.

5.2.4 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. The signage would be located within the application site and would be mostly concentrated near the drive thru lanes, within a commercial area where there is an array of different types of signages for different commercial units. The proposal would not therefore be highly visible from the public realm and would not be out of keeping with the existing character or appearance of the commercial locality.

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 now offered their support for the application. 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 not cause any demonstrable harm to the character and appearance of the area in compliance with policies D1 and D6 of the Maldon District 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 advertisements at points where drivers need to take more care are likely to have a greater impact on 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. The signage is located within the site along defined access routes, that being the drive through. There would be no confusion with any other signage as to create hazardous vehicle or pedestrian movement conditions.
- 5.3.4 The positioning of the advertisements is also considered to be a sufficient distance away from the highway such they would not distract passing traffic to the detriment of highway safety. The Highways Authority (HA) 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 Maldon District LDP.

## 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)
- **21/00269/FUL** – Reconfiguration of drive thru lane to accommodate side-by-side ordering with changes to car parking and kerb lines, including associated works to the site. Alterations to elevations to include a new "Folded Roof" concept, a 5 sqm extension and replacement drive thru 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. – APPROVED (28.07.2021)
- **21/00271/ADV** – Application for advertisement consent for the installation of 5no. New digital freestanding signs and 1No. 15" Digital booth screen – REFUSED (28.07.2021)

## 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 approval of the application.	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) Highways	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**

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