

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

DIRECTOR OF STRATEGY AND
RESOURCES
Paul Dodson

19 September 2023

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 27 SEPTEMBER 2023** at **7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

COMMITTEE MEMBERSHIP:

CHAIRPERSON	Councillor J Driver
VICE-CHAIRPERSON	Councillor N G F Shaughnessy
COUNCILLORS	S J Burwood K Jennings K M H Lagan A M Lay N R Miller N D Spenceley P L Spenceley J C Stilts N J Swindle





AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 27 SEPTEMBER 2023

1. **Chairperson's notices**

2. **Apologies for Absence**

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

To confirm the Minutes of the meeting of the Committee held on 30 August 2023, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **23/00667/FUL - 43-45 High Street, Maldon, CM9 5PF** (Pages 11 - 18)

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

6. **23/00724/LBC - 43-45 High Street, Maldon, CM9 5PF** (Pages 19 - 26)

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

7. **Any other items of business that the Chairperson of the Committee decides are urgent**

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. 5-6.
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

* 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.

Closed-Circuit Televisions (CCTV)

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

Lift

Please be aware, there is not currently lift access to the Council Chamber.

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

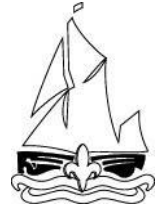
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

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
30 AUGUST 2023**

PRESENT

Chairperson Councillor J Driver

Vice-Chairperson Councillor N G F Shaughnessy

Councillors S J Burwood, K Jennings, K M H Lagan, N R Miller,
N D Spenceley, P L Spenceley, J C Stilts and N J Swindle

213. CHAIRPERSON'S NOTICES

The Chairperson welcomed everyone in attendance and went through some general housekeeping arrangements for the meeting.

214. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor A M Lay.

215. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 5 July 2023 be approved and confirmed.

216. DISCLOSURE OF INTEREST

Councillors K Jennings, N G F Shaughnessy and J C Stilts declared a non-pecuniary interest as they knew the applicant.

Councillor P L Spenceley also declared a non-pecuniary interest as she knew the applicant as a fellow trustee of the Maldon Festival.

217. 23/00490/FUL - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX

Application Number	23/00490/FUL
Location	The Kings Head Centre, 38 High Street, Maldon, Essex
Proposal	Proposed change of use from (Class E(e)) Osteopath treatment rooms to (Sui Generis) short term holiday let accommodation
Applicant	Mr James Mann
Agent	Tim Farley – Copesticks Ltd.
Target Decision Date	07.07.2023
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in request by Councillor N R Miller for the following reasons: S1, D3, E5, E3,T2 and D1 of the Local Development Plan (LDP).

Following the Officer's presentation the Agent, Mr Tim Farley addressed the Committee. The Chairperson then opened the discussion inviting any questions or comments on the report.

A debate ensued around the positive impact on tourism, the generation of employment, that marketing was sufficient given the constraints of COVID and that there were eight other osteopaths within a five mile radius, therefore, change of use was not an issue. Officers advised that the reason for refusal related to Policy E3, namely the former osteopath was a community use. There was no objection to the proposed holiday let per se, however, the loss of the existing community use was why the Officer recommendation was for refusal as this was not policy compliant. Specifically, it was felt that the marketing carried-out was insufficient.

At this point Councillor N R Miller proposed that the application be approved contrary to the Officer's recommendation and this was seconded by Councillor J C Stilts. The Chairperson clarified that the proposal was accepted based on a Unilateral Undertaking (UU) in respect of Essex Coast Recreational Avoidance and Mitigation Strategy, (Essex RAMS). This was seconded by Councillor J C Stilts.

The Chairperson then put the proposal to approve the application subject to completion of the above mentioned UU with conditions (to include a requirement that the property remains as a holiday let), delegated to Officers in consultation with the Chairperson and this was unanimously agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairperson and completion of a Unilateral Undertaking.

218. 23/00603/FUL - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX

Application Number	23/00603/FUL
Location	The Kings Head Centre, 38 High Street, Maldon, Essex
Proposal	Change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) and associated works to part of first floor fronting the High Street including installation of secondary glazing.
Applicant	Mr James Mann
Agent	Tim Farley – Copesticks Ltd.
Target Decision Date	05.09.2023
Case Officer	Kathryn Mathews
Parish	MALDON NORTH

Reason for Referral to the Committee / Council	<p>Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence.</p> <p>With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.</p>
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Following the Officer's presentation, the Agent, Mr Tim Farley addressed the Committee. The Chairperson then opened the discussion.

Councillor J C Stills proposed that the application be approved contrary to the Officer's recommendation to include conditions requiring details of noise mitigation measures together with a Unilateral Undertaking in respect of Essex RAMS. This was seconded by Councillor K Jennings. Officers advised that the delegated conditions would include a requirement that the property remains as a holiday let.

The Chairperson put the proposal to approve, subject to the above mentioned condition and other delegated conditions agreed in consultation with the Chairperson, together with completion of a Unilateral Undertaking in respect of RAMS and it was unanimously agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairperson and completion of a Unilateral Undertaking.

219. 23/00604/LBC - THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON, ESSEX

Application Number	23/00604/LBC
Location	The Kings Head Centre, 38 High Street, Maldon, Essex
Proposal	Works associated with change of use from office use (Class E) and part of existing flat to short term holiday let accommodation (Sui Generis) to part of first floor fronting the High Street including installation of secondary glazing.
Applicant	Mr James Mann
Agent	Tim Farley – Copesticks Ltd.
Target Decision Date	05.09.2023
Case Officer	Kathryn Mathews
Parish	MALDON NORTH

<p>Reason for Referral to the Committee / Council</p>	<p>Member call-in request by Councillor N R Miller for the following reasons: will ensure that an important heritage building in the Town Centre will be able to continue to be a positive influence.</p> <p>With the lack of high quality accommodation within the town and bearing in mind this building was a former Hotel this application is in compliance with S1 and D3 of the LDP and keeps an historic (and very high maintenance) building at the heart of our community. Parking is readily available nearby which complies with Policies T2 and D2 of the LDP. There is currently no interest on a commercial basis and with the excess of empty office space available within the Town there would appear to be little hope securing a viable rent for the property. Policy E5 states we should support and encourage positive developments to aid the growth of the local economy.</p>
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Following the Officer's presentation the Agent, Mr Tim Farley addressed the Committee. The Chairperson then opened the discussion.

Councillor K M H Lagan opened the discussion by noting that the Specialist – Heritage and Conservation's concerns regarding the secondary double glazing proposed had been addressed. Officers advised that it would be necessary to impose a condition requiring details of the air conditioning units referenced in the application. Councillor K M H Lagan then proposed that listed building consent be granted contrary to Officers' recommendation with all conditions delegated to Officers in consultation with the Chairperson. This was seconded by Councillor N D Spenceley.

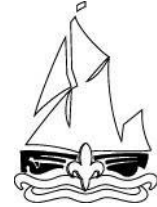
There being no further discussion the Chairperson put the proposal to grant building consent and this was unanimously agreed.

RESOLVED to GRANT Listed Building Consent with conditions delegated to Officers in consultation with the Chairperson.

220. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT

There being no other items of business the Chairperson closed the meeting at 8.05 pm.

J DRIVER
CHAIRPERSON



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
27 SEPTEMBER 2023**

Application Number	23/00667/FUL
Location	43-45 High Street, Maldon, CM0 5PF
Proposal	Installation of condenser units and full internal alterations/refurbishment.
Applicant	Mr Jon Birtles - Loungers UK Limited
Agent	Ms Ali Maskell - Richard Pedlar Architects
Target Decision Date	12 October 2023
Case Officer	Hayley Sadler
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D2 (Climate Change & Environmental Impact of New Development)

1. RECOMMENDATION

REFUSE for the reason as detailed in Section 8 of this report


2. SITE MAP

Please see below.

43-45 High Street - Maldon

23/00724/LBC



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:625
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	30/08/2023
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of the High Street within the settlement boundary of Maldon and within the Maldon Conservation Area. The site is occupied by a three-storey mid terrace Grade II Listed Building, with a mixed use of commercial at ground floor level and residential at first and second floor level.
- 3.1.2 Planning permission is sought for the installation of 4No. condenser units.
- 3.1.3 The proposed condenser units would be located on the side eastern elevation towards the rear of the building within the external yard of the application site.
- 3.1.4 The proposed internal alterations and refurbishment would include the installations of a bar, toilets, a kitchen area as well as the installation of an extraction and ventilation system. The ground floor of 43-45 High Street has been vacant for many years, with a Morrison's Local being the last to occupy the space and previous to that it was a post office. Both of these previous uses would have fallen within Use Class A1 of the Town and Country Planning Use Classes Order 2007 (as amended) prior to September 2020. From 1 September 2020 Use Class A1/2/3 were revoked and replaced with a new Use Class E. Class E combines what were previously retail shops (A1), financial and professional services (A2), and restaurants and cafes (A3). Class E also contains the previous B1 (business) as well as parts of the previous classes of D1 (non-residential institutions), and D2 (assembly and leisure). Planning permission is not required for the change of use between any of these uses.
- 3.1.5 It should be noted that planning permission was granted on 3 June under reference 12/00609/FUL for a 'Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings. Please note that this permission has now expired.

3.2 Conclusion

- 3.2.1 The proposed external works are acceptable and would not cause harm to the listed building, the character and appearance of the locality or the conservation area, in accordance with policies D1, D3 and H4 of the Local Development Plan (LDP). Chapter 16 of the National Planning Policy Framework (NPPF) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, it is considered that the proposed condenser units by reason of their proximity to the neighbouring dwellings and due to insufficient information being provided to confirm that the development would not have an unacceptable impact on neighbouring residential dwellings by way of harmful noise levels has not been submitted in order for the application to be assessed appropriately. Therefore, the proposal is contrary to policies D1 of the LDP and the guidance 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 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
- 54 – 57 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF) (2021)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Design and Impact on the Character, Setting and Fabric of the Listed Building

- 5.1.1 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.
- 5.1.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.1.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.1.4 The principle of alterations to mixed commercial and residential premises within conservation areas is generally considered acceptable in line with and subject to compliance with policy D3 of the approved LDP. Nos. 43-45 High Street is a grade II listed building within the Maldon Conservation Area. It was originally built as the Literary and Mechanic's Institute with Corn Exchange to the rear. The building was designed by T. Roger Smith in 1859-60. The Institute occupied the building until 1886 where it held a library of 2000 volumes. The Corn Exchange later became the All Saints Parish Hall and has had various uses since, including the Post Office and, most recently, Morrisons Local. The front elevation is a striking composition in stock brick. It has three storeys of round-arched windows and incorporates short stone columns with carved Corinthian capitals. The centre breaks forward and is topped by

a pediment. The building is listed for its architectural and historic interest as a high-quality architect-designed example of a Victorian Literary and Mechanics Institute. It makes a very positive contribution to the special character of the conservation area.

- 5.1.5 The proposed condenser units would be located on the eastern side elevation of the building within the external yard and would not be visible from within the street scene of the High Street.
- 5.1.6 The proposed condenser units would be located approximately 1.6 metres from the boundary with the rear of 47 High Street, they would be located at ground level and separated by a boundary wall. The condenser units would not be visible to the neighbouring properties to the west as they would be blocked from view by the host building. As such, given the discreet location of the units, there would be no harmful impact on the character and appearance of the host listed building, nor the character and visual amenities of the local area. The proposal in this respect is acceptable having regard to policies D1 and D3 of the LDP

5.2 Impact on Residential Amenity

- 5.2.1 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).
- 5.2.2 The application site is bordered by two three storey mixed use Grade II listed buildings, No.47 (Commercial unit at ground floor) and Flats 1 and 2 (residential properties at first and second floors) to the east and No.41 (Commercial unit at ground floor) and residential flats at first and second floor level to the west.
- 5.2.3 The proposed condenser units would sit on the ground floor. Flats 1 and 2 of the host building occupy the first and second floors above.
- 5.2.4 The Council's Environmental Health Specialist has expressed concerns about noise impacts from the proposed use on the adjoining residential properties. It is further stated that whilst there are no external alterations proposed to the front or rear elevation of the building, the application does seek approval for minor modifications to the eastern elevation to accommodate 4 x external AC condenser units on the ground floor.
- 5.2.5 The application suggests that whilst a mechanical extract ventilation system is proposed, no external alterations are required for its operation as it is intended that the plant will be in an internal plant room and will utilise an existing louvre on the rear elevation. These statements conflict with each other and require clarity in terms of the effects from these proposals on the neighbouring residential properties.
- 5.2.6 A Noise Impact Assessment was requested from the Agent in lieu of these comments to be able to fully assess the impact on the adjacent neighbouring properties. This information has not been received to be able to assess the application further. As such, and in the absence of any further information to alleviate the concerns it is considered that the proposed installation of condenser units would result in an unneighbourly form of development due to the possible noise implications. The proposal is therefore contrary to policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **MAL/746/79 & LB/MAL/46/79** – Post office, Approved – 8 October 1979
- **MAL/276/80 & LB/MAL/13/80** – Enlargement to car park at rear, Approved – 6 May 1980
- **MAL/526/82** – Alterations to windows, Approved – 26 August 1982
- **93/00331/FULF** - Small first floor extension and minor elevation alterations, Approved – 26 August 1993
- **93/00722/FUL** - Installation of ATM cash dispenser through existing glazed window reduced in height. New security panel surround, Approved – 10 February 1994
- **93/00723/ADV** - Flat internally illuminated machine sign within cash dispenser surround, Approved – 10 February 1994
- **94/00051/LBC** - Installation of ATM cash dispenser through existing glazed window reduced in height. Security panel infill, Grant Listed Building Consent – 10 March 1994
- **07/00426/FUL** - Retail development including rear extension and internal re-organisation/alterations to include new rear first floor and new front doors, Approved – 19 June 2007
- **07/00427/LBC** - Retail development conversion with rear extension and internal alterations including new rear first floor and new front doors, Grant Listed Building Consent – 19 June 2007
- **08/01038/FUL** - Proposed alterations to existing retail area and conversion of ground floor and upper floor to 5 flats, Refused – 13 November 2008
- **08/01061/LBC** - Proposed alterations to existing retail area and conversion of ground and upper floors to 5 flats, Refused – 13 November 2008
- **09/00549/LBC** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Grant Listed Building Consent – Grant Listed Building Consent – 21 August 2009
- **09/00550/FUL** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Approved – 21 August 2009
- **12/00609/FUL** - Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Approved – 3 June 2013
- **12/00610/LBC** - Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Grant Listed Building Consent
- **14/00103/FUL** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Approved – 17 April 2014
- **14/00104/LBC** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Grant Listed Building Consent – 17 April 2014
- **14/00468/FUL** - Minor amendments to approved planning application FUL/MAL/14/00103 (Alterations to existing doorways and windows, the removal

of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Approved – 3 July 2014

- **14/00469/LBC** - Minor amendments to approved planning application LBC/MAL/14/00104 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Grant Listed Building Consent – 3 July 2014
- **14/00492/ADV** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Approved – 21 August 2014
- **14/00822/LBC** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Grant Listed Building Consent – 23 January 2015
- **23/00667/FUL** - Installation of condenser units and full internal alterations/refurbishment., Pending Consideration
- **23/00668/LBC** - Installation of condenser units and full internal alterations/refurbishment., Pending Consideration
- **23/00728/ADV (Undetermined)** - Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting, Pending Consideration (For consideration on this committee agenda)

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object – unneighbourly form of development likely to result in harm of neighbouring residents. No information of noise mitigation No consultation with residents of the flats	Noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objection subject to recommended conditions	Noted

7.3 Representations received from Interested Parties

- 7.3.1 **Eleven** 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
Increase in noise from within the	This application is solely for the addition

Objection Comment	Officer Response
premises and those coming and going	of signage to the building
Noise from staff smoking to the rear and lingering outside	
Where are staff going to park as Bull Lane to the rear is a single track road	
The flat owners have not been notified	
There are already a number of licensed premises in the High Street	
Increase in traffic and congestion	
Loss of privacy from tables located on the mezzanine floor internally	
Smell from food waste and preparation	
Position of proposed air con units	
Increased overlooking from large windows	

7.3.2 One letter of support has been received raising the following matters

Supporting Comment	Officer Response
The High Street is coming back to life Complaints about the noise are ridiculous as there are residential properties in the bustling High Street and it is not that far from the Oak House and this would operate no differently from that	Noted

8. PROPOSED REASON FOR REFUSAL

1. Insufficient information has been provided to confirm that the proposed condenser units would not have an unacceptable impact on neighbouring residential dwellings by way of noise levels. The proposal is therefore contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
27 SEPTEMBER 2023**

Application Number	23/00724/LBC
Location	43-45 High Street, Maldon, CM9 5PF
Proposal	Installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations.
Applicant	Mr Jon Birtles - Loungers UK Limited
Agent	Ms Ali Maskell - Richard Pedlar Architects
Target Decision Date	3 October 2023
Case Officer	Hayley Sadler
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D2 (Climate Change & Environmental Impact of New Development)

1. RECOMMENDATION


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

2. SITE MAP

Please see below.

43-45 High Street - Maldon
23/00724/LBC



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	30/08/2023
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of the High Street within the settlement boundary of Maldon and within the Maldon Conservation Area. The site is occupied by a three-storey mid terrace Grade II Listed Building, with a mixed use of commercial at ground floor level and residential at first and second floor level.
- 3.1.2 Listed building consent is sought for the installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations.
- 3.1.3 The one externally illuminated fascia sign which would be located above the main entrance door on the front (south) elevation of the property, one externally illuminated hanging sign and one internally illuminated menu board which would both also be located on the front elevation. The fascia sign would measure 3.4 metres in width, 0.20 metres in height and 0.05 metres in depth and would be sited at its lowest point of 4.1 metres above ground level. The projecting sign would measure 0.70 metres in width, 0.80 metres in height and 0.09 metres in depth and would be sited at its lowest point 3.2 metres above ground level. The menu board would measure 0.60 metres in width, 0.70 metres in height, 0.07 metres in depth and would be sited at its lowest point 1.1 metres above ground level.
- 3.1.4 The proposed fascia sign would comprise of individual metal letters spelling out 'SALERO LOUNGE' in a mixture of gold and antique pink lettering the sign is 0.05 metres in depth and would be externally illuminated by concealed 'halo' illumination in soft warm white. The proposed projecting sign would comprise of a timber hanging sign with timber cornicing and be painted olive green 'SALERO LOUNGE' and 'CAFÉ BAR' hand painted in gold, the sign is 0.09 metres in depth and would be externally illuminated by trough lights, the sign would project 1 metre from the front elevation on a paint finished steel gallows bracket. The menu board would comprise of a brass finished frame with laminated glass, with an openable side hinged door to the front and would be internally illuminated by a LED light strip to the upper section.
- 3.1.5 The existing lantern over the front entrance is to be re-instated as a light, it would have 'CAFÉ BAR' hand gilded to three sides with a painted black outline.
- 3.1.6 It is also proposed to refurbish the two main doors and re-paint them an olive colour and reglaze the arched fanlights over both doors with a combination of purple and light olive green segments. The frames of the windows on all three floors would be re-painted, the ground floor level windows would be olive green and the first floor and second floor windows would be an apple green.

3.2 Conclusion

- 3.2.1 It is considered that the 1No. externally illuminated fascia, 1No. externally illuminated hanging sign, 1No. illuminated menu board, re-instatement of the lantern light and the repainting of windows and doors including the re-glazing of the arched fanlights, would not be detrimental in terms of safety and distraction to either highway traffic or pedestrians. Furthermore, it is considered that the advertisements, by reason of their siting, scale, design and size, are considered to be of appropriate scale and positioning and would not cause harm to the significance of the listed building. Therefore, the signage is considered to be in accordance with policies D3 and D6 of the Maldon District Local Development Plan (LDP) and 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 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
- 54 – 57 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 174 – 193 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D6 Advertisements
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF) (2021)
- Maldon District Design Guide (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Design and Impact on the Character, Setting and Fabric of the Listed Building

- 5.1.1 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.
- 5.1.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.1.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.1.4 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. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly,

policy D3 of the approved LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.1.5 Nos. 43-45 High Street is a grade II listed building within the Maldon Conservation Area. It was originally built as the Literary and Mechanic's Institute with Corn Exchange to the rear. The building was designed by T. Roger Smith in 1859-60. The Institute occupied the building until 1886 where it held a library of 2000 volumes. The Corn Exchange later became the All Saints Parish Hall and has had various uses since, including the Post Office and, most recently, Morrisons Local. The front elevation is a striking composition in stock brick. It has three storeys of round-arched windows and incorporates short stone columns with carved Corinthian capitals. The centre breaks forward and is topped by a pediment. The building is listed for its architectural and historic interest as a high-quality architect-designed example of a Victorian Literary and Mechanics Institute. It makes a very positive contribution to the special character of the conservation area. As such, the Conservation and Heritage Specialist was consulted to advise on the potential impact of the adverts on the building and surrounding area. They have advised that the proposed signage, including modestly scaled halo lit individual metal lettering and a trough lit painted timber hanging sign, would be sympathetic to the character of the listed building and the area. The reuse and gilding of the existing lantern would be a nice touch. No objection is raised to the proposed colour scheme for the windows and doors, which would reference the greens currently used on nearby buildings. The reglazing of the fanlights over the front doors using coloured glass would be a minor alteration that would cause no harm. The Council's Conservation and Heritage Specialist has raised no objections to the proposed development or recommended any conditions.
- 5.1.6 The proposed adverts are considered to be appropriate for the area. Due to the location of the adverts, they would not harm the character and appearance of the building, in accordance with policies D1 and D3 of the LDP.

5.2 Impact on Residential Amenity

- 5.2.1 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).
- 5.2.2 The application site is bordered by two three storey mixed use Grade II listed buildings, No.47 (Commercial unit at ground floor) and Flats 1 & 2 (residential properties at first and second floors) to the east and No.41 (Commercial unit at ground floor) and residential flats at first and second floor level to the west.
- 5.2.3 The proposed signage is to the front of the building at ground floor level, the proposed fascia and hanging sign would be externally illuminated, however the lettering to the front would be lit by concealed 'halo' lighting and the hanging sign by trough lights which would not face directly into the residential properties above. The internally illuminated menu board would be positioned at a lower level facing outwards. Therefore, it is considered that the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **MAL/746/79 & LB/MAL/46/79** – Post office, Approved – 8 October 1979
- **MAL/276/80 & LB/MAL/13/80** – Enlargement to car park at rear, Approved – 6 May 1980
- **MAL/526/82** – Alterations to windows, Approved – 26 August 1982
- **93/00331/FULF** - Small first floor extension and minor elevation alterations, Approved – 26 August 1993
- **93/00722/FUL** - Installation of ATM cash dispenser through existing glazed window reduced in height. New security panel surround, Approved – 10 February 1994
- **93/00723/ADV** - Flat internally illuminated machine sign within cash dispenser surround, Approved – 10 February 1994
- **94/00051/LBC** - Installation of ATM cash dispenser through existing glazed window reduced in height. Security panel infill, Grant Listed Building Consent – 10 March 1994
- **07/00426/FUL** - Retail development including rear extension and internal re-organisation/alterations to include new rear first floor and new front doors, Approved – 19 June 2007
- **07/00427/LBC** - Retail development conversion with rear extension and internal alterations including new rear first floor and new front doors, Grant Listed Building Consent – 19 June 2007
- **08/01038/FUL** - Proposed alterations to existing retail area and conversion of ground floor and upper floor to 5 flats, Refused – 13 November 2008
- **08/01061/LBC** - Proposed alterations to existing retail area and conversion of ground and upper floors to 5 flats, Refused – 13 November 2008
- **09/00549/LBC** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Grant Listed Building Consent – Grant Listed Building Consent – 21 August 2009
- **09/00550/FUL** - Alterations to ground floor retail area, conversion of first and second floors to form 3 flats and small single storey extension to rear, Approved – 21 August 2009
- **12/00609/FUL** - Change of use of premises from retail use (A1) into a public house (A4). Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Approved – 3 June 2013
- **12/00610/LBC** - Alterations to existing building, including formation of an internal mezzanine floor to accommodate kitchen; provision of mechanical equipment; new hoist in brick shaft to rear elevation; erection of 2m high fence, application of film to windows as indicated on drawings; infill of 2 no. existing windows to rear elevation; re-opening of arched doorway to front elevation and insertion of timber door in same and various internal alterations as indicated on the drawings, Grant Listed Building Consent
- **14/00103/FUL** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Approved – 17 April 2014
- **14/00104/LBC** - Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations, Grant Listed Building Consent – 17 April 2014
- **14/00468/FUL** - Minor amendments to approved planning application FUL/MAL/14/00103 (Alterations to existing doorways and windows, the removal

of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Approved – 3 July 2014

- **14/00469/LBC** - Minor amendments to approved planning application LBC/MAL/14/00104 (Alterations to existing doorways and windows, the removal of the canopy to the rear elevation, insertion of new louvres to rear elevation, and internal alterations), Grant Listed Building Consent – 3 July 2014
- **14/00492/ADV** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Approved – 21 August 2014
- **14/00822/LBC** - Formed individual lettering fixed to runner bar, internally illuminated. Formed aluminium projection sign with steel gibbet, externally illuminated. Formed aluminium hung sign with steel support bars, non-illuminated. Various internally applied vinyl window graphics, Grant Listed Building Consent – 23 January 2015
- **23/00667/FUL** - Installation of condenser units and full internal alterations/refurbishment., Pending Consideration
- **23/00668/LBC** - Installation of condenser units and full internal alterations/refurbishment., Pending Consideration
- **23/00728/ADV** - Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting, Pending Consideration

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal of this application due to no information provided from the Conservation Officer.	Noted – please refer to section 5.1 of report

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objection and no recommended conditions	Noted

7.3 Representations received from Interested Parties

7.3.1 Six 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
Increase in noise	This application is solely for the addition of signage to the building
Traffic and parking issues	
Unnecessary development	

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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, LNG4165.BP, LNG4165.02, LNG4165.06A.

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

3 The materials used in the construction of the advertisements hereby approved shall be as set out within the plans hereby approved.

REASON To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.