

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel.

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

14 March 2017

Dear Councillor

You are summoned to attend the meeting of the;

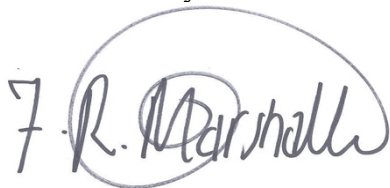
## **CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 22 MARCH 2017 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, loopy circular flourish.

Chief Executive

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor B E Harker

#### VICE-CHAIRMAN

Councillor M R Pearlman

#### COUNCILLORS

Miss A M Beale  
A T Cain  
I E Dobson  
Mrs B D Harker  
M S Heard  
Miss M R Lewis  
S J Savage  
Mrs N G F Shaughnessy  
Rev. A E J Shrimpton

*Ex-officio non-voting Members: Councillor Mrs P A Channer, CC*

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**AGENDA**  
**CENTRAL AREA PLANNING COMMITTEE**  
**WEDNESDAY 22 MARCH 2017**

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1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 12)

To confirm the Minutes of the meeting of the Committee held on 22 February 2017, (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. **FUL/MAL/16/01496 and LBC/MAL/16/01497 - The Limes Guest House, 21 Market Hill, Maldon** (Pages 13 - 24)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)\*.

6. **HOUSE/MAL/16/01499 and LBC/MAL/16/01500 - 33 London Road, Maldon** (Pages 25 - 34)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)\*.

7. **FUL/MAL/16/01513 - Car Park, Council Offices, Princes Road, Maldon** (Pages 35 - 40)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)\*.

8. **MLA/MAL/17/00049 - Land off Park Drive, Maldon** (Pages 41 - 46)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)\*.

9. **FUL/MAL/17/00074 - Tesco, Fullbridge, CM9 4LE** (Pages 47 - 56)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)\*.

10. **ADV/MAL/17/00075 - Tesco, Fullbridge, CM9 4LE** (Pages 57 - 68)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)\*.

11. **Other Area Planning and Related Matters** (Pages 69 - 70)

To consider the report of the Interim Head of Planning Services on the following matters:

- (i) Appeals Lodged
- (ii) Appeal Decisions

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

13. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph ??? of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

14. **Enforcement Report** (Pages 71 - 114)

**NOTICES**

**Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

**Fire**

In 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.

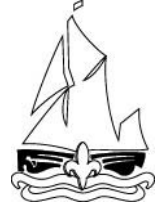
**Health and Safety**

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 Television (CCTV)**

This meeting is being monitored by CCTV.





**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
22 FEBRUARY 2017**

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**PRESENT**

Chairman	Councillor B E Harker
Vice-Chairman	Councillor M R Pearlman
Councillors	Miss A M Beale, I E Dobson, Mrs B D Harker, M S Heard, Miss M R Lewis, S J Savage, Mrs N G F Shaughnessy and Rev. A E J Shrimpton

**1004. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

The Chairman drew attention to the list of notices published on the back of the agenda.

**1005. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A T Cain and Councillor Mrs P A Channer CC.

**1006. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 25 January 2017, be approved.

**1007. DISCLOSURE OF INTEREST**

Councillor Rev. A E J Shrimpton declared a non-pecuniary interest in Agenda Item 8 – FUL/MAL/16/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon as he was consulted by the neighbours regarding a collapsed wall.

Councillor M R Pearlman declared a non-pecuniary interest in Agenda Item 8 – FUL/MAL/16/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon as he knew the applicant.

**1008. MEMBERS' BRIEFING**

The Chairman advised there was none.

**1009. LBC/MAL/16/01343 - BEELEIGH MILL, ABBEY TURNING, MALDON**

<b>Application Number</b>	<b>LBC/MAL/16/01343</b>
<b>Location</b>	Beeleigh Mill Abbey Turning Maldon
<b>Proposal</b>	Erection of a wood shed.
<b>Applicant</b>	Mr Lawrence Tattersall - Beeleigh Mill Restoration Group
<b>Agent</b>	-
<b>Target Decision Date</b>	9 March 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received, including those detailed on the Members' Update.

In response to a question The Group Manager for Planning Services clarified that the shed structure in the application presented no detrimental harm and would be a permanent structure. It was noted from the Members' Update that the recommended conditions had been revised in the light of comments from the Conservation Officer.

**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 complete accordance with the approved drawings specifically referenced on this decision notice
- 3 The external surfaces of the shed hereby approved shall be constructed of materials as detailed within the application and painted black and shall be retained as such thereafter.

**1010. FUL/MAL/16/01401 - 6 WAVE BRIDGE COURT, COLCHESTER ROAD, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/16/01401</b>
<b>Location</b>	6 Wave Bridge Court Colchester Road Heybridge
<b>Proposal</b>	Replacement of rotting single glazed windows and doors with uPVC frames and composite door, all to FENSA standard with secure locking bolts. No change to external colour - brown. Shape/ style/ appearance to remain
<b>Applicant</b>	Mrs G Bomford
<b>Agent</b>	Mr Allan Taylor - Blue Door Solutions Ltd
<b>Target Decision Date</b>	15 February 2017

<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received, including those detailed on the Members' Update.

**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 complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

**1011. FUL/MAL/16/01496 AND LBC/MAL/16/01497 - THE LIMES GUEST HOUSE, 21 MARKET HILL, MALDON**

<b>Application Number</b>	<b>FUL/MAL/16/01496 LBC/MAL/16/01497</b>
<b>Location</b>	The Limes Guest House 21 Market Hill Maldon Essex
<b>Proposal</b>	The proposals are for an office and bedroom to the rear with ensuite within a single storey extension to the existing annexe.
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Mr Mark Morgan - Petro Designs Limited
<b>Target Decision Date</b>	1 March 2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above applications taking into account all representations and consultation replies received.

Following the Officer's presentation an objector, John Salisbury, addressed the Committee.

The Interim Head of Planning Services reminded Members to be mindful that planning consent already existed for this site.

There was a proposal in the name of Councillor Rev. A E J Shrimpton to refuse this application contrary to the Officers' recommendation, and this was seconded by Councillor S J Savage. After being asked for reasons for refusal, Councillor Shrimpton's proposal was not taken any further. A further proposition to refuse by Councillor Savage was not seconded.

There was some discussion around the parking spaces within this site and Councillor Miss M R Lewis proposed that these applications be deferred pending a site visit, and this was seconded by Councillor Mrs B D Harker and agreed by the Committee.

**RESOLVED** that consideration of these applications be **DEFERRED** pending a site inspection to be arranged.

#### 1012. ADV/MAL/17/00006 - HSBC, 72 HIGH STREET, MALDON

<b>Application Number</b>	<b>ADV/MAL/17/00006</b>
<b>Location</b>	HSBC 72 High Street Maldon
<b>Proposal</b>	1 No. Externally illuminated letters and logo fascia sign. 1 No. Non illuminated projecting roundel sign. 1 No. Non illuminated vitreous enamelled branch nameplate sign. 1 No. Non illuminated reverse applied vinyl opening hour's sign.
<b>Applicant</b>	Mr Ben French - HSBC Bank PLC
<b>Agent</b>	Mr Mack Anthony - AQP
<b>Target Decision Date</b>	2 March 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received, including those detailed on the Members' Update.

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

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

- 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.
- 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.
- 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.
- 7 The light source shall be positioned or shielded so that no impairment of vision will affect the users of the public highway.
- 8 The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 600 Candelas per square metre (600cd/m2).

**1013. FUL/MAL/16/01419 AND LBC/MAL16/01420 - VAULTY MANOR, GOLDHANGER ROAD, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/16/01419</b> <b>LBC/MAL/16/01420</b>
<b>Location</b>	Vaulty Manor Goldhanger Road Heybridge Essex
<b>Proposal</b>	Wedding gazebo within the enclosed garden of Vaulty Manor
<b>Applicant</b>	Mr Colin Downie - Osea Leisure Park
<b>Agent</b>	Geoffrey Vale - Geoffrey Vale Chartered Architect
<b>Target Decision Date</b>	7 March 2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Parish</b>	<b>GOLDHANGER</b>
<b>Reason for Referral to the Committee / Council</b>	The planning application and Listed Building Consent both fall under the parishes of Goldhanger and Heybridge and therefore would need to be considered by Members at the North Western Area Planning Committee and Central Area Planning Committee.

The Committee considered the report of the Director of Planning and Regulatory Services and determined the above application taking into account all representations and consultation replies received.

There was some discussion around the process of this application having to go before three committees to reach a decision given that the application would now be considered by the Planning and Licensing Committee.

It was suggested that recommended Condition 4 regarding flooding was not appropriate for this application and should be removed.

**RESOLVED** that the Planning and Licencing Committee is recommended to **APPROVE** these applications subject to the following conditions:

**FUL/MAL/16/01419:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

**LBC/MAL/16/01420:-**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

**1014. OTHER AREA PLANNING AND RELATED MATTERS**

The Committee received the report of the Director of Planning and Regulatory Services, including those on the Members' Update, detailing the following:

**(i) Appeals Lodged:**

**(ii) Appeal Decisions:**

OUT/MAL/16/00360 (Appeal Ref: APP/X1545/W/16/3158021)

**Proposal:** Outline planning permission for erection of a dwelling and garage

**Address:** Land South Of Grapnells Farm, Wood Lane, Heybridge, Essex

**Decision Level:** Delegated

**APPEAL DISMISSED – 26 January 2017**

RES/MAL/15/01055 (Appeal Ref: APP/X1545/W/16/3156961)

**Proposal:** Approval of Reserved Matters application relating to the approval of appearance, landscaping, layout and scale as required by condition 1 and 3 of Outline Planning Permission ref

APP/X1545/A/14/2213988 (Outline planning permission for demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access OUT/MAL/13/00763). This reserved matters application is for 108 dwellings

**Address:** Land East of Wycke Hill, Maldon

**Decision Level:** Committee overturned Officer recommendation to approve

**APPEAL ALLOWED – 6 February 2017**

HOUSE/MAL/16/00769 (Appeal Ref: APP/X1545/D/16/3162395)

**Proposal:** Single storey rear extension to an existing dwellinghouse.

**Address:** 81 Holloway Road - Heybridge

**APPEAL ALLOWED – 10 February 2017**  
**DECISION LEVEL:** Delegated

There being no further items of business the Chairman closed the meeting at 8.04 pm.

B E HARKER  
CHAIRMAN

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**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

<b>Application Number</b>	<b>FUL/MAL/16/01496 LBC/MAL/16/01497</b>
<b>Location</b>	The Limes Guest House 21 Market Hill Maldon Essex
<b>Proposal</b>	The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe.
<b>Applicant</b>	Mr James Mann
<b>Agent</b>	Mr Mark Morgan - Petro Designs Limited
<b>Target Decision Date</b>	24 March 2017
<b>Case Officer</b>	Yee Cheung, TEL: 01621 876220
<b>Town Council</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. DEFERRAL**

- 1.1 The planning application (FUL/MAL/16/01496) and Listed Building Consent (LBC/MAL/16/01497) were both deferred from the Central Area Planning Committee on 22 February 2017 when Members resolved to undertake a site visit to assess and enable full consideration of the proposed scheme.

**2. RECOMMENDATION**

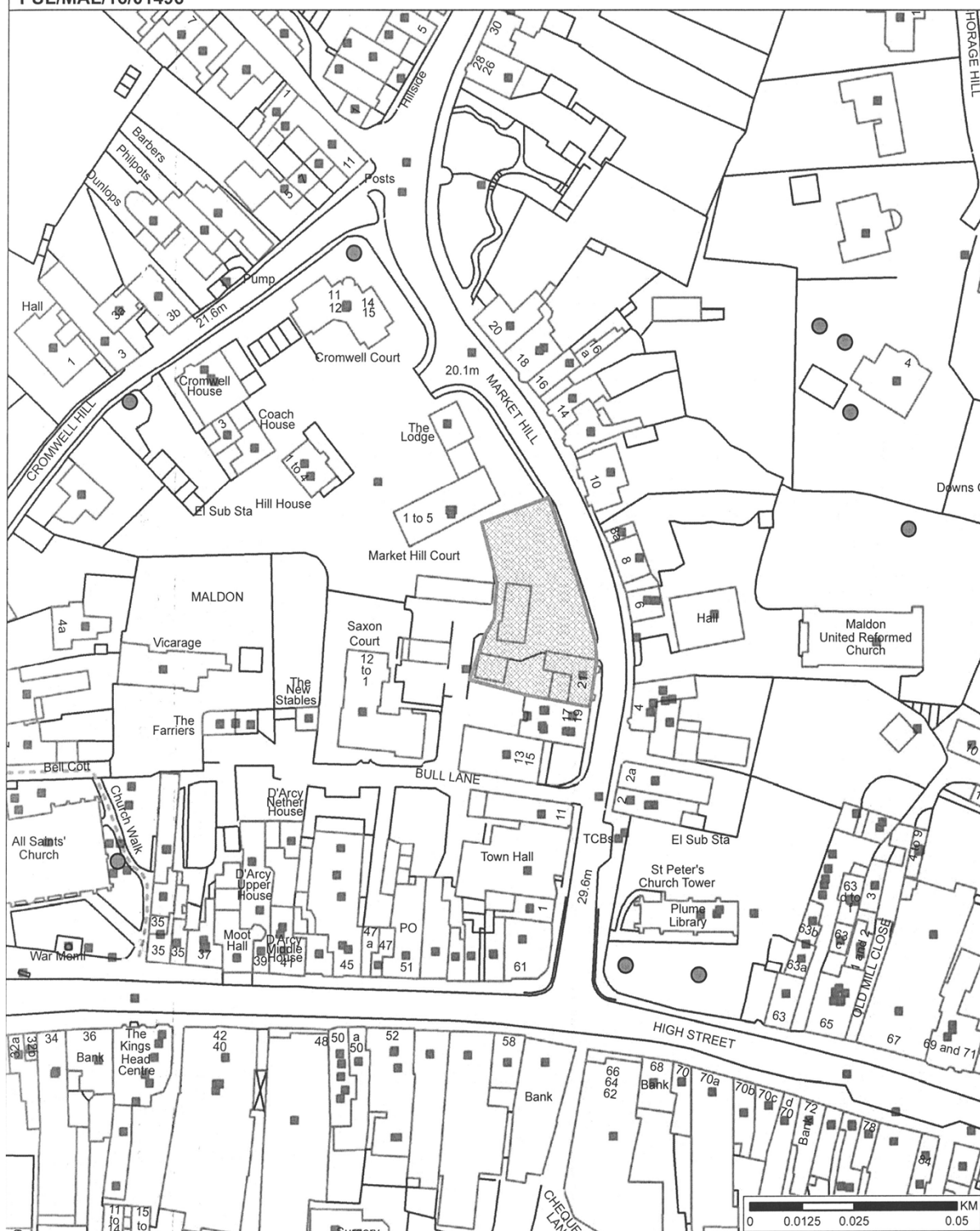
**APPROVE** subject to the conditions (as detailed in Section 9 of this report).

**GRANT LISTED BUILDING CONSENT** subject to the conditions (as detailed in Section 9 of this report).

**3. SITE MAP**

Please see overleaf.

# The Limes Guest House, 21 Market Hill, Maldon FUL/MAL/16/01496



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: C Committee 16/01496/FUL

Date: 09/02/2017

MSA Number: 100018588

## **4. SUMMARY**

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

- 4.1.1 The Limes Guest House is located on the west side of Market Hill, Maldon. The building is Grade II listed and is within the Maldon Conservation Area. To the north of The Limes is a car park for guests with an annex containing guest accommodation behind. To the rear of The Limes is a small garden area and a “garage” which has been converted to guest accommodation with a laundry on the ground floor. Both the annex and the “garage” are clad in black clad timber above a brick plinth with tiled roofs. The boundary is marked by a 1.7m high close boarded timber fence.
- 4.1.2 The site slopes down to the north and there is a steep drop down to the adjacent site to the north which is occupied by Market Hill Court a two/three storey flatted development. To the west / rear of the site is garaging and car parking areas associated with Saxon Court, a modern flatted development. There is an extant planning permission on this site for the construction of a shed in between the annexe and the “garage” which was approved in 2014 by application: FUL/MAL/14/01130.
- 4.1.3 It is proposed to construct a single storey building between the “garage” and the annex for use in conjunction with the guest house. The building would provide an office and a manager suite and would become a focal point for guests checking in / out.
- 4.1.4 The maximum length of the shed would be 10.5 metres and its width 3 metres. At the rear there is an inset in the building’s footprint to accommodate a tree growing close to the site boundary. The ridge height of the development would be approximately 4 metres and it would be clad in black stained timber to match the existing buildings with a brick plinth. The roof would be of natural clay plain tiles to match the existing building.

### **4.2 Conclusion**

- 4.2.1 The proposed development is acceptable as it is modest in scale and would not adversely affect the setting of the listed building or the Maldon Conservation Area in accordance with policies BE1, BE13 and BE16 of the Maldon District Local Replacement Plan, policies S1, D1 and D3 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

## **5 MAIN RELEVANT POLICIES**

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

### **5.2 National Planning Policy Framework 2012 including paragraphs:**

- 7, 8, 14, 17, 56. 57, 131

### **5.3 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1, BE13, BE16, T8

### **5.4 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1, D1, D3, E5, T2

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

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Car Parking Standards

## **6 MAIN CONSIDERATIONS**

### **6.1 Principle of Development**

- 6.1.1 The proposal is for the construction of a new building for a site manager to be present during the day and night in conjunction with the use of the site as an established guest house. The principle of such proposal would be supported by Maldon District Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) where it supports developments that widen the viability and vitality of the town centre and providing accommodation within the town centre that would support activity in the town centre. Further, there is an extant planning permission on this site for the construction of a shed between the annex and “garage” and is a material consideration when determining this planning application.

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

- 6.2.1 Policy BE1 of the adopted local plan and policy D1 of the Local Development Plan highlights the importance of all new development being of a suitable design ensuring they are compatible with their surroundings /or improve the surrounding location subject to certain criteria. Policies BE13 and BE16 of the adopted local plan, policy D3 of the LDP and the NPPF provides guidance on heritage assets, and the importance to protect, preserve and enhance the setting of listed buildings in conservation areas.
- 6.2.2 The proposed development would be positioned to the south west of the site between the annex and “garage”. The building would have a footprint of approximately 26.5 square metres. Whilst it is acknowledged that the footprint of the development is approximately 11 square metres larger than the shed previously approved on this site, it is considered that this modest increase would not result in overdevelopment of the site.
- 6.2.3 Having considered the scale and height of the development, the building would appear subservient when viewed in context with the guest house, annex and “garage”. In terms of design and appearance, the new building would echo the annex and the “garage” and would not appear at odds when viewed from the public domain. It would be sympathetic and would have minimal impact on the setting of the listed

building in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the Local Development Plan.

- 6.2.4 The new building would be positioned to the rear and approximately 6 metres away from the listed building and has also been designed to avoid the removal of an existing tree on the western boundary. The Conservation Officer has been consulted and has raised no objection to the proposed scheme.
- 6.2.5 The application site is located within The Maldon and Heybridge Central Area under Policy S5 of the Local Development Plan. Policy S5 states that *'the Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter. The Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities'*. The Urban Designer has been consulted and has raised no objection to the proposed scheme as the site would not have an impact on the area.

### **6.3 Impact on Residential Amenity**

- 6.3.1 To the rear of the site there is a parking area associated with Saxon Court. Much of the new build would be screened by the fence on the western boundary and is flanked by the existing annex and "garage" building. As such, the development would result in no impact on the amenity of residential properties to the north, west and south of the site. This would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.

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

- 6.4.1 Policy T8 of the adopted local plan seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy T2 of the Local Development Plan seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 6.4.2 The access / egress point to the guest house. As such, there is no objection in this respect as the proposal would comply with policy T2 of the adopted local plan. The Highway Authority has raised no objection to this.
- 6.4.3 With regard to off-street parking on site, the Council's adopted Vehicle Parking Standards advises that 1 space per bedroom to be made available for guest or staff. There are currently 15 car parking spaces on site. It is noted that the new building would be occupying an area which is currently marked out as a disabled parking bay. This disabled bay would be relocated to the front of the annex and would become a 'drop off area' as this area is hard surfaced and level with no pea-shingle. Whilst there are concerns in relation to the number of off-street parking available at the site, it is important to note that the development is in a town centre location, a sustainable location, where such provisions can be relaxed. In this instance, it is not considered that the loss of a car parking space would be reasonable to warrant refusal of this application.

## **6.5 Other Material Considerations**

- 6.5.1 In support of this application, the Applicant confirmed in an email correspondence dated 10 January 2017 that the new building would be used for an office with a Manager's suite to the rear. The reason for the Manager's suite is that the guest house is in operation 24 / 7 and there has to be a manager or night staff on duty through the night and the suite is for shift work through the night where the manager has somewhere to sleep/rest between shifts.
- 6.5.2 Letters of representation were received by the Council concerning the historic wall which forms the shared boundary between the application site and Hill House / Market Hill Court. The development would be constructed to the south western side of the site between two existing structures and therefore would not have an adverse impact on the wall in question.
- 6.5.3 In terms of rainwater / surface water drainage, the Environmental Health Services has raised no objection to the proposal subject to condition to be imposed should the application be approved for the submission of surface water drainage detail to be approved prior to the commencement of development.

## **7 ANY RELEVANT SITE HISTORY**

- **LBC/MAL/94/00136** - General renovations and internal alterations forming dining room sitting room 4 bedrooms bathroom and shower room to the front 3 storey part and formation of kitchen lobby toilet. Approved: 30.03.1994.
- **FUL/MAL/95/00782** - Proposed new garage. Approved: 05.02.1996.
- **LDP/MAL/99/00440** - Change of use of part of dwelling to bed and breakfast and internal alterations. Refused: 18.06.1999.
- **FUL/MAL/99/00531** - Change of use of part of dwelling to bed and breakfast accommodation. Withdrawn: 15.07.1999.
- **LBC/MAL/99/00532** - Change of use of part of dwelling to bed and breakfast accommodation. Withdrawn: 15.07.1999.
- **LBC/MAL/01/00013** - Proposed installation of en-suite shower room in existing first floor guest bedroom. Approved: 09.02.2001.
- **FUL/MAL/01/00345** - Proposed Iron railings down front door steps and around pavement area with gate. Approved: 12.07.2001.
- **FUL/MAL/06/00217** - Continued use as a guest house. Approved: 28.03.2006.
- **FUL/MAL/06/00833** - Erection of Conservatory. Refused: 22.09.2006.
- **LBC/MAL/06/00834** - Erection of Conservatory. Refused: 22.09.2006.
- **LBC/MAL/06/00847** - To alter and convert existing double garage. Application Withdrawn: 12.07.2006.
- **FUL/MAL/06/00849** - Change of use of ground floor lounge, dining room and conservatory to tea rooms and bistro 2 evenings a week (Friday and Saturday). Refused: 05.09.2006.
- **FUL/MAL/06/00850** - Conversion of existing double garage and first floor storage into 3 bedrooms with en-suite. Refused: 05.09.2006.

- **FUL/MAL/06/01152** - Retention of mobile home in connection with existing bed and breakfast use. Refused: 17.11.2006.
- **FUL/MAL/06/01237** - Change of use of the ground floor lounge, dining room, conservatory (subject to separate planning permission) to tea rooms. Approved: 25.01.2007.
- **FUL/MAL/06/01311** - Vehicle barrier for guest house. Refused: 26.01.2007.
- **FUL/MAL/06/01413** - Erection of conservatory. Approved: 19.02.2007.
- **LBC/MAL/06/01414** - Erection of conservatory. Approved: 19.02.2007.
- **LBC/MAL/06/01424** - En-suite shower room to ground floor bedroom using existing vents in room, no alterations to building made. Application Closed: 13.03.2007.
- **LBC/MAL/07/00216** - Alterations to kitchen, forming cupboard and lobby from new conservatory to toilets. Withdrawn: 16.04.2007.
- **LBC/MAL/07/00306** - Retrospective application for the conversion of lounge into bedroom with en-suite. Approved: 01.06.2007.
- **LBC/MAL/07/00467** - Install glazed canopy link from conservatory to rear door to gain access to toilet facility, form an opening by removing existing window to gain access to conservatory and internal alterations to kitchen. Approved: 21.06.2007.
- **CON/MAL/08/00062** - Reduce height of the flank retaining wall due to imminent collapse. Approved: 20.03.2008.
- **FUL/MAL/08/00611** - Installation of metal fence along boundary to Market Hill and erection of shed. Withdrawn: 29.07.2008.
- **FUL/MAL/08/00927** - Installation of metal fence & shed. Approved: 30.09.2008.
- **FUL/MAL/10/00162** - Proposed detached annexe. Approved: 25.06.2010.
- **NMA/MAL/11/00500** - Non material amendment following approval on application FUL/MAL/10/00162 (Proposed detached annexe) to increase thickness of fascia to 200mm. Approved 29.06.2011.
- **TCA/MAL/13/00057** - T1 Lime - pollard the trees adjacent to roadside. T2 Sycamore - remove 2 front co-dominant trunks from 1 tree and crown raise the remaining by up to 20ft. T3 Prunus - remove to ground level in the rear side car park. Approved 18.03.2013.
- **FUL/MAL/13/00163** - Install 2 No. sheds to rear of site adjoining annexe and rear fence. Refused 23.04.2013.
- **FUL/MAL/13/01153** - Install 2 No. sheds to rear of site adjoining annexe and rear fence. Approved 21.02.2014.
- **FUL/MAL/14/01130** - Erection of shed – Approved 23.12.14
- **LBC/MAL/15/01162** - Extend existing conservatory to match existing with new timber pitched glazed roof to match existing. Internal alterations to decrease size of kitchen to form new bedroom, office. conservatory - Approved 23.12.2015
- **FUL/MAL/15/01161** - Extend existing conservatory to match existing with new timber pitched glazed roof to match existing. Internal alterations to decrease size of kitchen to form new bedroom, office. –Approved – 23.12.2015

- **FUL/MAL/15/01173** - To construct a two storey annexe comprising of two ground floor bedrooms and two first floor bedrooms to serve The Limes Guest House. – Refused -22.12.2016. Dismissed on Appeal: 4 October 2016
- **LBC/MAL/15/01174** - To construct a two storey annexe comprising of two ground floor bedrooms and two first floor bedrooms to serve The Limes Guest House. –Refused 22.12.2015
- **FUL/MAL/16/00898** - To extend existing conservatory by building new glazed roof over existing within timber rafters to new wall / windows / doors, all to match existing. Approved: 25.10.2016
- **LBC/MAL/16/00899** - To extend existing conservatory by building new glazed roof over existing within timber rafters to new wall / windows / doors, all to match existing. Approved: 25.10.2016.

## 8 **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Object. Overdevelopment of the site	Noted in Paragraph 6.2.2 of the report

### 8.2 **Statutory Consultees and Other Organisations** (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection subject to informative	Noted in Paragraph 6.4.2 of the report

### 8.3 **Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Urban Designer	The site would not impact on the Maldon and Heybridge Central Area - No comments to make on the proposal	Noted in Paragraph 6.2.5 of the report
Environmental Health Services	No objection subject to conditions and informative	Noted in Paragraph 6.5.3 of the report
Tree Officer	No objection subject to conditions	Noted in Section 9 of the report (Condition 5)
Conservation Officer	No objections	Noted in Paragraph 6.2.4 of the report



## 8.4 Representations received from Interested Parties (*summarised*)

8.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Hill House Park (Freehold) Ltd, 5 Hill House, Hill House Park, Maldon, Essex
- Mr and Mrs J Salisbury, 4 Hill House Mews, Maldon, Essex
- Stan Staines, 2 Hill House Mews, Maldon, Essex
- David Pickles, 5 Hill House Mews, Maldon, Essex

Objection Comment	Officer Response
Hill House and The Limes are listed building in the Maldon Conservation Area	Noted in report - Paragraph 4.1.1
The development would not enhance or preserve the conservation area	Noted in report - Paragraph 6.2.4
The development would reduce the number off-street parking on site	Noted in report - Paragraph 6.4.3
Issue regarding the site level and the collapse of the boundary wall between the application site and Hill House	Noted in report - Paragraph 6.5.2
Surface Water / soak-away on site	Noted in report - Paragraph 6.5.3

## 9 **PROPOSED CONDITIONS**

### **FUL/MAL/16/01496**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
**REASON:** To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.  
**REASON:** To ensure the external materials to be used in the construction of the development would be appropriate for the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.
- 4 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the

requirements of BS 5837:2005 in relation to tree retention and protection as follows:

- Tree report detailing retained trees and works required;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural impact assessment;
- Arboricultural method statement (including drainage service runs, construction of foundations and hard surfaces).

REASON: To protect the visual amenity of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan.

- 5 No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS 5837:2005, and ground protection been erected details of which shall have been submitted to the local planning authority for written approval. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To protect the visual amenity of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

- 6 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

REASON: To ensure appropriate surface water drainage scheme is available for the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

## **INFORMATIVES**

This planning application FUL/MAL/16/01497 should be read in conjunction with Listed Building Consent LBC/MAL/16/01497

- 1 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 applicants should be advised to 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
- The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- 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.
- 2 The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, we have seen more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar. Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturated soils.

**LBC/MAL/16/01497**

- 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 complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.  
REASON: To ensure the external materials to be used in the construction of the development would be appropriate for the area in accordance with policies BE13 and BE16 of the Maldon District Replacement Local Plan, policy D3 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

**INFORMATIVES**

This Listed Building Consent LBC/MAL/16/01497 should be read in conjunction with planning application FUL/MAL/16/01496.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

<b>Application Number</b>	<b>HOUSE/MAL/16/01499 LBC/MAL/16/01500</b>
<b>Location</b>	33 London Road, Maldon
<b>Proposal</b>	Single storey extension to the rear of the house. Internal alterations at ground and first floor level. Repair works to the main roof of the house to include stripping and re-laying of slate tiles.
<b>Applicant</b>	Mr & Mrs Lloyd
<b>Agent</b>	Annabel Brown - Annabel Brown Architect
<b>Target Decision Date</b>	24.03.2017
<b>Case Officer</b>	EMILY HALL, Tel: 01621 875744
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

**HOUSE/MAL/16/01499:**

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

**LBC/MAL/16/01500:**

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

**2. SITE MAP**

Please see overleaf.

**33 London Road**  
Maldon HOUSE/MAL/16/01499



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Maldon District Council 100018588 2014



MALDON DISTRICT  
COUNCIL

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

Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 10/03/2017

MSA Number: 100018588

### 3. SUMMARY

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

3.1.1 Planning permission and listed building consent are sought for internal and external alterations. It is proposed to erect a single storey extension to the rear of house; internal alterations to provide new cloakroom and larder storage; internal alterations within the first floor to create enlarged family bathroom and improved master bedroom suite; repair the main roof of the house; and erect a wall in the front garden.

#### 3.1.2 Internal alterations

##### *Ground floor*

- Infill opening in dining room
- Remove wall to create a WC
- Infill opening to create a WC
- Insert partitions to form cupboards
- Demolish large sections of the flank and rear external walls

##### *First floor*

- Insert partitions to create dressing room
- Create new opening to master bedroom
- Alteration to entrance to bedroom 2
- Entrance to existing bathroom closed and new opening created
- Wall between WC and bedroom removed and new bathroom inserted
- Partition inserted to create a wardrobe
- Part of existing wall removed to provide access to wardrobe
- New door to rear bedroom

#### 3.1.3 External alterations

##### *Single storey extension to the rear of the house*

3.1.4 The single storey extension to the rear of the house would have an overall depth of 13.5 metres but would not project beyond the existing rear elevation. It would have a maximum width of 5.4 metres. The extension would have a ridge height of 3.7 metres and eaves measuring 2.4 metres. Important historic fabric including a chimney and walls with original windows would be retained.

##### *Proposed wall in front garden*

3.1.5 It is proposed to erect a rendered plinth wall and posts with stone capping, with metal railings and a gate finished in gloss black paint. The fence would measure 1 metre tall.

3.1.6 No.'s 31 & 33 London Road represent a fine pair of substantial mid-19th century houses. The principal elevation is of stucco articulated in a striking classical composition of pediments, pilasters and cornices, accentuated through the use of black and white paint. Internally, the houses are reasonably unaltered, retaining much of their original layout. The pair is grade II listed and its significance derives primarily from its age, architectural quality, good state of preservation and presence in the streetscene. The property is situated on one of the best preserved streets in the Maldon Conservation Area and has a positive relationship with neighbouring contemporary buildings.

### **3.2 Conclusion**

- 3.2.1 The proposed development is of a typical design for residential development. The proportions of the proposed extension reflect the proportions and visual cues of the existing dwelling and the adjoining semi-detached dwelling. The extension also retains important historic fabric. The proposed wall and railings are of a typical design which is considered to improve the setting of the listed building and the character and appearance of the dwelling, the streetscene and the Conservation Area. The internal alterations proposed are not considered to result in a demonstrable loss of historic fabric. The site provides sufficient parking and amenity space and the development would not result in a detrimental impact on the amenities of neighbouring occupiers.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2012**

### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 Design of new development and landscaping
- BE6 Extensions to Dwellings
- BE13 Development in Conservation Areas
- BE16 Extensions, Alterations to and Additional Buildings in the Curtilage of Listed Buildings

### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets

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

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The principle of altering the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the



RLP and H4 of the emerging LDP. Other material planning considerations are discussed below.

## **5.2 Impact upon Historic Interest of Listed Building**

5.2.1 Policy BE16 of the RLP protects listed buildings from development which would harm the building, its setting and any features that contribute to its special architectural or historic interest. Policy D3 of the LDP seeks to maintain and enhance listed buildings and the integrity of conservation areas by only permitting development that will not harm the building or locality or features that contribute to its special architectural or historic interest.

5.2.2 Internal and external alterations are proposed to the dwelling.

### **5.2.3 Internal alterations**

#### *Ground floor*

- Infill opening in dining room
- Remove wall to create a WC
- Infill opening to create a WC
- Insert partitions to form cupboards
- Demolish large sections of the flank and rear external walls

#### *First floor*

- Insert partitions to create dressing room
- Create new opening to master bedroom
- Alteration to entrance to bedroom 2
- Entrance to existing bathroom closed and new opening created
- Wall between WC and bedroom removed and new bathroom inserted
- Partition inserted to create a wardrobe
- Part of existing wall removed to provide access to wardrobe
- New door to rear bedroom

5.2.4 Initially the proposed development included a significant level of internal works which would result in the erosion of the dwelling's historic layout and would result in the loss of historic fabric and architectural features and was considered unacceptable. However, in liaison with the Conservation Officer amendments to the scheme were made, including the retention of a large section of the existing external ground-floor wall of the lower two-storey range which includes two original window openings, one of the which (the northern one) retains an original sash window, and the retention of the ground-floor fireplace which adjoins this wall. Following this revision it is considered that the degree of harm that would be caused to the building's significance has been reduced considerably and substantially more of the historic fabric will be retained. Therefore, on balance, the proposal is considered acceptable.

### **5.2.5 External alterations**

#### *Single storey extension to the rear of the house*

5.2.6 The single storey extension to the rear of the house would have an overall depth of 13.5 metres but would not project beyond the existing rear elevation. It would have a maximum width of 5.4 metres. The extension would have a ridge height of 3.7 metres

and eaves measuring 2.4 metres. Important historic fabric including a chimney and walls with original windows would be retained.

- 5.2.7 The existing rear single-storey range, reflects the form of the neighbour's adjoining range, has been much altered, including part reconstruction in breezeblock, rendering in cement and the insertion of modern unattractive windows. As a result of these alterations this range is of less significance and it is capable of accommodating more substantial alteration without undue harm to the building's overall significance.
- 5.2.8 There is no objection in principle to the external appearance of the extension. Its form and massing appears sympathetic to the established character of the house. The extension is considered to appear more attractive than the rear single-storey range in its present unsightly condition.

*Proposed wall in front garden*

- 5.2.9 It is proposed to erect a rendered plinth wall and posts with stone capping, with metal railings and a gate finished in gloss black paint. The fence would measure 1 metre tall.
- 5.2.10 The low wall and railings proposed to the front garden are considered to positively enhance the setting of the listed building.

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

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.3.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.3.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

5.3.5 The application is located within the Maldon Conservation Area. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.

5.3.6 It is proposed to erect a single storey extension to the rear of the dwelling and erect a wall and railings to enclose the front garden. Initially it was proposed to replace the existing outbuilding. However, this element has been removed from the scheme.

*Extension to dwelling*

5.3.7 The single storey extension to the rear of the house would have an overall depth of 13.5 metres but would not project beyond the existing rear elevation. It would have a maximum width of 5.4 metres. The extension would have a ridge height of 3.7 metres and eaves measuring 2.4 metres. Important historic fabric including a chimney and walls with original windows would be retained.

5.3.8 The proposed extension is of a typical design for residential development. The proportions reflect the proportions and visual cues of the existing dwelling and the adjoining semi-detached dwelling. There is no objection to the appearance of the proposed extension.

*Proposed wall in front garden*

5.3.9 It is proposed to erect a rendered plinth wall and posts with stone capping, with metal railings and a gate finished in gloss black paint. The fence would measure 1 metre tall.

5.3.10 The proposed wall and railings are of a typical design which is considered to improve the character and appearance of the dwelling and the streetscene.

## **5.4 Impact on Residential Amenity**

5.4.1 The extension to the dwelling would be single storey. Windows are proposed on the rear and flank elevation. To the north of the site is All Saints CofE School which has planning permission and listed building consent to be converted into flats. The proposed development is not considered to result in overlooking or loss of privacy. In terms of scale the proposed extension is not considered to be unneighbourly or overbearing.

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

5.5.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council’s adopted parking standards. The adopted Maldon District Vehicle Parking Standards SPD sets out that a four bedroom dwelling should provide space to park three vehicles.

5.5.2 The existing dwelling has four bedrooms and parking is provided to the rear of the dwelling where there is a single garage and space to park two cars. Due to the

reconfiguration of the first floor layout the number of bedrooms the dwelling would have would be reduced to three from four, the existing parking arrangements would not be impacted as a result of the proposed development. The adopted Maldon District Vehicle Parking Standards SPD sets out that a three bedroom dwelling should provide space to park two vehicles. Therefore, the site provides parking in excess of the Council's Vehicle Parking Standards SPD.

- 5.5.3 Furthermore, the Highways Authority has been consulted and raised no objection to the proposed development.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>.
- 5.6.2 The site has a garden which is significantly in excess of the Essex Design Guide requirement of 100m<sup>2</sup>, measuring more than 270m<sup>2</sup>, and the proposed development would reduce amenity space provision within the site by a small amount. However, the remaining garden would still be in excess of the Essex Design Guide requirement of 100m<sup>2</sup>. Therefore, there is no objection to the proposal in relation to amenity space provision.

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

- No relevant planning history

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	The Town Council recommends refusal of this application as it considers that it would result in overdevelopment of the house. The Town Council is concerned about the internal chimney being removed as it may be part of the listing of the house and would like the views of the Conservation Officer to be taken into consideration on this application	The proposed development has been amended taking into account the Conservation Officer's, and Town Councils, concerns about loss of historic fabric.

## 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	The amended plans reduce considerably the degree of harm that would be caused to the building's significance as a result of the changes. Substantially more of the historic fabric will be retained. No objection subject to conditions.	Acknowledged

## 7.3 Representations received from Interested Parties (*summarised*)

7.3.1 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Phil Moon & Jo Hedgecock, 29 London Road, Maldon

Comment	Officer Response
Proposed replacement garage is vastly different in scale and size.	The replacement garage has been removed from the scheme.

## 8. **PROPOSED CONDITIONS:**

### **HOUSE/MAL/16/01499**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan rcvd. 28.12.16, A16504/BlockA rcvd. 24.02.17, A16504 rcvd. 28.12.16, A16504/PP03A rcvd. 09.01.17, A16504/PP01C rcvd. 06.03.17.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
3. Prior to the commencement of the roofing works hereby permitted samples of the slate to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.  
REASON: To protect the architectural and historic value of the building in accordance with policy BE16 of the adopted Maldon District Replacement Local Plan and emerging policy D1 and D3 of the Local Development Plan.

4. Notwithstanding the roof materials the external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application.  
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.

**LBC/MAL/16/01500**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawings: Location Plan rcvd. 28.12.16, A16504/BlockA rcvd. 24.02.17, A16504 rcvd. 28.12.16, A16504/PP03A rcvd. 09.01.17, A16504/PP01C rcvd. 06.03.17.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
3. Prior to the commencement of the roofing works hereby permitted samples of the slate to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.  
REASON: To protect the architectural and historic value of the building in accordance with policy BE16 of the adopted Maldon District Replacement Local Plan and emerging policy D1 and D3 of the Local Development Plan.
4. Prior to the installation of the railings hereby permitted large-scale drawings of the proposed railings, illustrating the section profile of the common members and the size and design of the finials, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.  
REASON: To protect the architectural and historic value of the building in accordance with policy BE16 of the adopted Maldon District Replacement Local Plan and emerging policy D1 and D3 of the Local Development Plan.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

<b>Application Number</b>	<b>FUL/MAL/16/01513</b>
<b>Location</b>	Car Park, Council Office, Princes Road, Maldon
<b>Proposal</b>	Installation of external lighting to newly formed car park.
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	N/A
<b>Target Decision Date</b>	24 March 2017
<b>Case Officer</b>	Rebecca Greasley, TEL: 01621 875805
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land Major Application

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# **Car Park - Council Offices - Princes Road** **Maldon FUL/MAL/16/01513**



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 Maldon District Council 100018588 2014

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

Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 10/03/2017

MSA Number: 100018588



### **3. SUMMARY**

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

- 3.1.1 Planning permission was granted under application FUL/MAL/16/00235 for the demolition of the existing prefabricated office building on the site, and redevelopment of land for car parking. The application was approved subject to a number of conditions.
- 3.1.2 Condition 4 of the application states that *'No means of external illumination shall be installed on the site.'* The reason for imposing this condition was *'To protect the amenity of the neighbouring residential properties, in accordance with policy BE1 of the Maldon District Replacement Local Plan and D1 of the submitted Local Plan.'*
- 3.1.3 Due to this restrictive condition, planning permission is required for the proposed external lighting. Four new lights are proposed:
- Two to the southern boundary of the new car park which would comprise globe street lights to match the existing car park lighting, on 5m high column, with spill shield to lamp.
  - Two to the northern boundary of the new car park which would comprise 1m high bollard lights.
- 3.1.4 The application has been submitted with a lighting plan which details vertical illuminance.

#### **3.2 Conclusion**

- 3.2.1 The proposed external lighting is not considered to result in visual harm to the area. Whilst the proposed new lighting would be within close proximity to neighbouring residential properties, a condition restricting the light spill and a curfew for the operational hours is considered to overcome these concerns, and to ensure that there would be no demonstrable harm to the amenity of the neighbouring occupiers.
- 3.2.2 The proposal is considered to be in accordance with the Maldon District Replacement Local Plan, the submitted Local Plan and 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 2012 including paragraphs:**

- Requiring good design (56 – 68)

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 – Design of New Development and Landscaping
- CON5 – Pollution Prevention

**4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- D1 – Design Quality and Built Environment

**4.4 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

- 5.1.1 Condition 4 on application FUL/MAL/16/00235 ‘*No means of external illumination shall be installed on the site*’ the reason for imposing this condition was ‘*To protect the amenity of the neighbouring residential properties, in accordance with policy BE1 of the Maldon District Replacement Local Plan and D1 of the submitted Local Plan.*’ Therefore, planning permission will only be granted if the development does not result in demonstrable harm to the amenity of the neighbouring properties, or the visual amenity of the area.

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

- 5.2.1 The 5m lights are similar in their appearance to those already within the council’s car park. As such the proposed development is not considered to result in demonstrable harm to the visual amenity of the area.
- 5.2.2 The 1m bollard lights would have a functional appearance, and given their height are not considered to result in demonstrable harm to the character or appearance of the locality.

**5.3 Impact on Residential Amenity**

- 5.3.1 The nearest residential property to the site is No.68 Wantz Road which would be at a distance of 12m from the nearest column light. The new dwellings at Middleton Manor would be located at a distance of 20m from the bollard lights, and ‘Suncot’ would be located at a distance of 50m from the proposed bollard lights.
- 5.3.2 The application was supported by a lighting plan to assist in determining whether the proposed lights would result in demonstrable harm to these neighbouring occupiers.
- 5.3.3 The Institution of Lighting Engineers Guidance recommends light trespass into windows of properties in low district brightness areas is limited to a maximum of 5 lux pre-curfew and 1 lux post-curfew (curfew being 23:00 hours). I do not think it is unreasonable that these levels are achieved.
- 5.3.4 The vertical light levels provided as additional information exceed this although it is appreciated that light spill shields will be fitted and therefore the levels given are not a true representation of the situation.

- 5.3.5 As such, it has been suggested by the environmental health department that a condition is imposed restricting the vertical illuminance level of the lights and to impose a curfew to ensure that the light are not in use after 23:00 hrs. This condition is considered to be necessary to ensure that the development would not result in demonstrable harm to the amenity of these neighbouring occupiers.

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

- 5.4.1 The existing access to the site would be retained and utilised as part of the scheme. No alterations are proposed to the existing access arrangement.

#### **5.5 Other Considerations**

- 5.6.1 The Town Council has objected to the application based on the fact that the application was not submitted with an Environmental Impact Assessment (EIA). Given the scale and nature of the development, there is no requirement for an EIA.

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

- **FUL/MAL/16/00235** - Demolition of existing prefabricated office building, and redevelopment of land for car parking. Approved 28.04.2016.

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

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	The Town council Recommends Refusal of the application on the grounds that there is no Environmental Impact Assessment of the potential light pollution on neighbouring properties.	See section 5.6

#### **7.2 Statutory Consultees and Other Organisations (*summarised*)**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection, subject to condition regarding luminance and curfew	See section 5.3

### **7.3 Representations received from Interested Parties (*summarised*)**

#### **7.3.1 Nothing received at the time of writing**

## **8. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with policies BE1 of the adopted Maldon District Replacement Local Plan, the National Planning Policy Framework and policy D1 of the submitted Maldon District Local Development Plan.
3. The light hereby approved shall have a maximum vertical illuminance level of 5 lux pre-curfew and 1 lux post-curfew (measured at neighbouring residential properties) shall be achieved either by the fitting of light spill shields and / or by turning off the lights at 23:00 hours.  
REASON: To protect the amenity of the neighbouring occupiers in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the National Planning Policy Framework and policy D1 of the submitted Maldon District Local Development Plan and the National Planning Policy Framework.

**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

<b>Application Number</b>	<b>MLA/MAL/17/00049</b>
<b>Location</b>	Land off Park Drive, Maldon
<b>Proposal</b>	Application for a modification to the existing Section 106 Legal Agreement (executed under planning application FUL/MAL/14/00581)
<b>Applicant</b>	Chelmer Housing Partnership Limited
<b>Agent</b>	Sarah Balfour - Birketts LLP
<b>Target Decision Date</b>	19 April 2017
<b>Case Officer</b>	Joy Thomas, TEL : 01621 875879
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee/Council</b>	In accordance with Area Planning Committee Terms of Reference

**1. RECOMMENDATION**


**APPROVE** subject to the applicant entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

**2. SITE MAP**

Please see overleaf.

**Land Off Park Drive**  
Maldon MLA/MAL/17/00049



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Committee
	Date:	10/03/2017
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

- 3.1.1 A request has been received to modify the original legal agreement (which was in the form of a Unilateral Undertaking) dated 1 October 2014 which was entered into in respect of the planning application (FUL/MAL/14/00581) for proposed development comprising the construction of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping.
- 3.1.2 The reason for this application for modification is that the clause relating to mortgagee exclusion (in respect of the Affordable Housing provision) is no longer considered acceptable by the lenders. Mortgagee in Possession clauses are a fundamental element of S106 agreements and the proposed revision is consistent with other agreements. The Chelmer Housing Partnership, who now own the affordable units, therefore now require a modification to the agreement by adding an appropriate clause.
- 3.1.3 In addition to this, further modification is required in respect of the tenure mix. The Unilateral Undertaking provides (at Schedule 2 Part 3 paragraphs 1.1 and 1.2) for 75% of the affordable housing to be affordable rented units, and 25% of the affordable housing to be shared ownership units. However, the proposal is to modify this with the numbers 27 and 12 (thus expressing the mix in numbers rather than percentages), which would be 69% and 31% respectively. The Housing Manager has been consulted on this and has agreed that this breakdown is acceptable; therefore the proposed modification is acceptable.

#### **3.2 Conclusion**

- 3.2.1 A Deed of Variation has been drafted. Given the need for the amendments due to the requirements of mortgagees and the change in affordable housing tenure, it is considered that the wording proposed in the Deed of Variation is acceptable, and the Strategic Housing Manager agrees that these amendments are needed and acceptable.

### **4. MAIN CONSIDERATIONS**

#### **4.1 Principle of Development**

- 4.1.1 The 'principle of development' on this site has already been established and the site has now been developed accordingly.
- 4.1.2 This application has been made to vary the S106 legal agreement for this site as the owners of the affordable housing (Chelmer Housing Partnership) are looking to secure the affordable housing against loan finance in order to continue developing affordable housing and other properties.
- 4.1.3 In addition the proposals for tenure have changed from 75% affordable rent to 69% and from 25% shared ownership to 31%. The reason for this is that when the

agreement was signed affordable rents were increasing, but in 2015 a Ministerial Statement was produced which resulted in affordable rents being reduced, therefore affecting the viability of the Affordable Housing provision on this site. To remedy this a minor conversion of tenure from affordable rented to shared ownership is proposed and the developer has also accepted that there would need to be a reduction in the value paid for the affordable housing as well as in the affordable rented accommodation as all parties make a contribution towards managing the impact this has had.

- 4.1.4 Another minor amendment relates to the removal of the reference to bungalows as there are now none provided on site, as the approved dwellings have rooms upstairs and cannot therefore be described as bungalows.

#### **4.2 Other Material Considerations**

- 4.2.1 The amendment relating to mortgagee exclusion is necessary as, due to the passage of time since the original S106 agreement was signed in 2002, the clause which addresses this issue is no longer considered acceptable by prospective lenders. Therefore the amendments contained in the draft Deed of Variation are suggested in order to ensure that a lender, should they take possession of a property, can sell the property free of the affordable housing restrictions.
- 4.2.2 The original S106 contains a very brief mortgagee exclusion clause and whilst the position relating to the affordable housing is not fundamentally changing, the amendment contained in the draft Deed of Variation addresses the concerns of prospective mortgagees. This request is quite conventional for all new developments and has been for a number of years, and the request is therefore updating an older S106 agreement. In general terms, this enables providers of affordable housing to borrow whether for the construction of the homes in question, or at a later date to use existing stock as an asset to secure future investment.

#### **5. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/14/00581** - Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping. Approved 09.10.2014.
- **NMA/MAL/15/00565** - Application for non-material amendment following grant of Planning Permission FUL/MAL/14/00581 (Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping) Amendment sought: Minor revisions to plot and road layout excluding the shaded grey area as shown on drawing number 14482TA/NMA/PL-01. Approved 26.06.2015.
- **FUL/MAL/15/00582** - Minor Material Amendment to permission FUL/MAL/14/00581 - Erection of 131 dwellings with access from Park Drive, associated internal access roads, cycle ways/footpaths, garaging, parking, open space and landscaping. Realignment of Plots 37-54 adjacent to the eastern boundary. Approved 18.11.2015.
- **FUL/MAL/16/00208** – Variation of conditions 3, 4 and 5 of approved application FUL/MAL/14/00581 (Erection of 131 dwellings with access from Park Drive,



associated internal access roads, cycleways/footpaths, garaging, parking, open space and landscaping). Approved 04.10.2016.

## **6. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish/Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	No objection	Acknowledged

### **6.2 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Housing Manager	No objection	Acknowledged

## **7. DEED OF VARIATION**

The proposed changes to the S106 Agreement dated 01 October 2014 are as follows:

### **Schedule 2 Part 1 – Definitions – amend definition of “Chargee” to read:**

Chargee: means any mortgagee of charge of the Registered Provider or the owner of the Affordable Housing Units or any receiver or manager (including administrative receiver) appointed by such mortgagee or charge or any other person appointed under any security documentation to enable such mortgagee or charge to realise its security or any administrator (however appointed) including a housing administrator.

### **Schedule 2 Part 1 – Definitions – add the following definition:**

Nominations Agreement: such agreement to include a mortgagee exclusion clause which states that none of the provisions in the agreement will be binding on any mortgagee or Chargee or receiver (including an administrative receiver) appointed by such mortgagee of Chargee to realise its security or any administrator (however so appointed) including a housing administrator.

### **Schedule 2 Part 1 – Definitions – amend the following definition:**

Replace the definition of Initial Marketing Period with “means a total of 6 months such period to commence one month prior to completion of the construction of the relevant Shared Ownership Unit such that it is completely ready for Occupation and ending 5 months after completion of construction of the relevant Shared Ownership Unit”.

### **Schedule 2 Part 1 – Definitions**

Remove the definition of “Bungalow”

### **Schedule 2 Part 3 – Affordable Housing Tenure Mix**

Paragraph 1.1 – replace the word “75%” with the number “27”.

Paragraph 1.2 – replace the word “25%” with the number “12”.

Remove paragraph 3 as no bungalows are included within this scheme.

### **Schedule 2 Part 6 – General Provisions Applying to all Affordable Housing Units – amendment to wording**

Paragraph 3.1 remove “a mortgagee or chargee or receiver appointed by the chargee who has first complied with the provisions of paragraph Part 4 of this Part” and replace with “a chargee or receiver who first complied with the provisions of paragraph Part 4 of this Part and any persons deriving title from such Chargee”.

Paragraph 4.2 after the wording “paragraph 4.1” to replace the wording with “above must not be less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses”.

### **Clause 8.6.3**

Add at the end “or any mortgagee or chargee or any person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (however so appointed) including a housing administrator of such Registered Provider or any persons or bodies deriving title from them”.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00074</b>
<b>Location</b>	Tesco, Fullbridge, CM9 4LE
<b>Proposal</b>	Installation of 2no. ANPR cameras on 5m poles.
<b>Applicant</b>	Mrs. Mariana Benitez Rickmann
<b>Agent</b>	Tesco Stores Ltd
<b>Target Decision Date</b>	03 May 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

**1. RECOMMENDATION**

**APPROVE** subject to the conditions as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Maldon FUL/MAL/17/00074 & ADV/MAL/17/00075**



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Maldon District Council 100018588 2014

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is within the settlement of Maldon and is occupied by a large retail store (Tesco) and associated petrol filling station and shopper parking facilities. In addition there is a “Click and Collect” facility and car wash located on the western side of the site. The eastern side of the site adjoins the roundabout with Fullbridge and Station Road and is the primary vehicle access into the complex. Neighbouring site to the east and south comprise a mix of fast food outlets, offices, industrial and workshop facilities.
- 3.1.2 The site lies to the north of the Chelmer and Blackwater Navigation Conservation Area which effectively wraps around the site. The site does not fall within the Conservation but is within the defined settlement boundary. A public footpath is located on western boundary adjacent to the river estuary and is elevated above the car park and store building. Additionally a towpath is located on the northern boundary with view directly into the car park.
- 3.1.3 The proposal seeks planning permission for the installation of two (2) Automatic Number Plate Recognition (ANPR) cameras mounted on one (1) 5m pole. The pole would be adjacent to the primary entrance to the car park and adjacent to the existing zebra crossing into the site. The cameras would measure 208mm wide, 94mm high and 199mm deep and be mounted at 4.5m high on the 5m pole.
- 3.1.4 The installation of the cameras is for the benefit of recording entry and exit of vehicles to the parking area of the retail unit only.
- 3.1.5 It is noted that since the Officer site visit, the cameras and pole have been installed.

#### **3.2 Conclusion**

- 3.2.1 The principle of development is acceptable given the existing land use as a large A1 retail store and associated car park. There would be no significant detrimental impact from this single structure which would be seen against the backdrop of the existing store, adjacent fast food outlet and petrol filling station. Whilst it is acknowledged that the cameras may be used in conjunction with restricted hours parking provision within the site, it must be clearly stated that that matter is for separate consideration to that of the installation of the cameras and associated pole mounting.
- 3.2.2 The proposed 5m pole and cameras are not considered to be detrimental to the character or appearance of the area nor would they appear incongruous and out of keeping in their setting. It is considered that the proposal would comply with adopted policy BE1 and emerging policy D1 of the LDP and the guidance and provisions and contained within the NPPF.
- 3.2.3 It should be noted that the camera and pole have been installed since the date of the submission. As there are considered to be no further landscaping requirements, or relevant conditions in terms of the installation itself, the recommendation is for approval with no further conditions.

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

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 49 and 67

##### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 Design of New Development and Landscaping

##### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

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

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

- 5.1.1 The principle of development is considered acceptable given the use of the site in relation to a large A1 retail outlet and the adjoining sites which comprise a fast food outlet, petrol filling station and further commercial uses. This is subject to other considerations, those of most relevance in this instance being the impact on the character and appearance of the area and neighbouring amenity.

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

- 5.2.1 Policy BE1 (a) of the adopted local plan relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale / bulk / height, materials and visual impact (among other factors). BE1 (b) states that inside defined development boundaries, development should harmonize with the general character of the area in which they are set.
- 5.2.2 The site is located within the settlement boundary of Maldon and the area is characterized by typical retail outlets for this type of location. The single pole and cameras would be sited directly adjacent to the primary vehicle entrance to the customer car park and just beyond a zebra crossing which leads from a fast food outlet onto the main pedestrian access to the store entrance.
- 5.2.3 In this instance the 5m pole and small 4.5m high mounted cameras are not considered to have a detrimental visual impact on the character and appearance of the site, the area or impact upon the adjacent Chelmer and Blackwater Conservation Area. The single pole would be viewed within the context of existing tall street scene lighting

and existing traffic and directional signs. One additional pole in this location would not be visually prominent or detrimental.

5.2.4 The two cameras, which would be mounted at 4.5m on the single pole are considered small and would be seen in the context of large retail outlet and the adjacent food and petrol filling stations. In this location the site is surrounded by commercial buildings and paraphernalia.

5.2.5 The proposed cameras and pole are not considered to be detrimental to the character or appearance of the area, nor would they appear incongruous and out of keeping in their setting. It is considered that the proposal would comply with policies BE1 of the local plan and D1 of the submission LDP

### **5.3 Impact on Residential Amenity and Neighbouring Occupiers**

5.3.1 Policy BE1 of the replacement local plan protects neighbouring occupiers from unacceptable development which results in a loss of amenity. Policy D1 of the emerging local development plan seeks to protect the amenity of surrounding areas and local context.

5.3.2 It is considered that the proposal would not result in loss of amenity to neighbouring occupiers of the commercial outlets. There are no adjacent residential occupiers and the siting of the pole and cameras is not directly adjacent to the boundary of the site. It is noted that the cameras would be in a fixed position. Since the submission of this application the pole and cameras have been installed and a further site visit carried out. The cameras are installed as proposed and are clearly directed towards vehicle movements entering and exiting the site only.

5.3.3 It is considered that the proposal would comply with policies BE1 of the local plan and D1 of the submission LDP.

### **5.4 Highway Safety**

5.4.1 The Essex County Council Highway Authority has been consulted on the scheme with regard to highway safety albeit the cameras and pole are mounted on a private roadway.

5.4.2 There is no objection to the proposal as submitted and the scheme is considered to accord with the criteria of adopted policies T1 and emerging policy T1 of the submitted LDP.

### **5.5 Landscaping and Nature Conservation**

5.5.1 The location of the proposed pole and cameras are within the confines of the site and within an existing hard landscaped area. They are seen firmly within the setting of a commercial area and no further landscaping is considered necessary in this instance.

## **5.6 Other Considerations**

- 5.6.1 There are no objections or comments from the Conservation Officer, Urban Design Officer or the Environmental Health Team and the Town Council support the proposal.
- 5.6.2 It is noted that this submission and the corresponding application for the installation of 36 sign boards has attracted a quantity of public attention. This is in relation to the potential 3 hour restriction for customer parking by the retailer at the site and the implications of this for the previously required parking bays for public parking in conjunction with the use of a “park and ride” facility into the wider area of Maldon and Heybridge.
- 5.6.3 Notwithstanding the potential implications of this, the current application must be assessed upon its own merits and consideration against relevant adopted local and national policy.
- 5.6.4 It should be noted that an extensive history search has been undertaken and there are no conditions appended to any previous planning application for the site which relate directly to the retention of specific “park and ride” bays, hours of use, bay usage by customers leaving the site or parking unrelated to the use of the site. As previously stated, the details of the parking restrictions are contained within a series of S106 Legal Agreements which would require modification prior to the applicant being able to implement their proposed changes.
- 5.6.5 The common element within the S106 Legal Agreements which relate to this proposal is the requirement to provide fifty (50) parking spaces, free of charge for up to four (4) hours to allow the general public to then leave the site and visit the main shopping centre of Maldon and the wider area. The agreements also refer to a Travel Plan and a five year requirement to provide a “park and ride” bus subject to assessment between the applicant, Maldon District Council and Essex County Council. At the time of writing, it is not known if the required assessments have been undertaken and if the bus service is operational or operations according to the agreement. A full update will be provided by way of the Members’ Update.
- 5.6.6 Therefore, any decision taken by the local planning authority for this planning application and the associated application for advertisement consent (referenced earlier in this report), would not be contrary to any planning condition appended to previous grants of permission, but would be conflicting with the relevant legal agreements.
- 5.6.7 The agent has been advised that should permission be granted, a formal application to modify the previous legal agreements would therefore be required prior to commencing any change to parking restrictions or implementation of the use of the cameras.



## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/99/00459** – Proposed extension of existing class A1 retail store (comprising additional and reorganised floorspace) additional car parking transport facilities and landscaping and related works.  
Approved Subject to S106 Agreement. 08 August 2001
- **FUL/MAL/07/01134** - Extension to existing retail store together with associated car parking, highways and landscaping works.  
Approved Subject to S106 Agreement. 04 March 2009
- **FUL/MAL/09/00457** – Proposed extension to Class A1 retail store  
Approved Subject to S106 Agreement. 05 January 2010

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support Recommend approval subject to there being no condition already in place that allows unlimited parking for residents and visitors	These points have been addressed within the report

### 7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments are noted

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection	The comments of the Environmental Health Service are noted
Conservation Officer	No Objection	The comments are noted
Urban Design Officer	No Objection	The comments are noted

### 7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 Letters were received objecting to the application from the following and the reasons for objection are summarized as set out in the table below:

- Ms. Wright. 16 Wentworth Meadows, Maldon
- Mrs. U Benjafield. Sunningdale, Fambridge Road, Althorne
- Mr. R Banks. Mallards, CM9 4 RH
- Mr. C Davies. 1 Beacon Cottage, Wickham Bishops
- Mr. T Wyman, 57 Church Road, Wickham Bishops
- Mr. D Hunt, Woodstock, Beacon Hill, Wickham Bishops
- Mrs. G C Ivyman, Woodstock, Beacon Hill, Wickham Bishops
- The Maldon Society. 12 The Courtyard, Spital Road, Maldon
- Mr. R Gray. 22 Suffolk Road, Maldon
- Mr. T Vachaviolos. 50 High Street, Maldon
- Mr. & Mrs. Elliston. 28 Woodham Bridge, Hatfield Peverel

Objection Comment	Officer Response
<p>Original permission conditioned to provide a park and ride car park.  Failure in MDC's parking provision.  Installation of cameras contravenes parking condition  Bus is not advertised  1 Central Area Plan states that proposed Park and Ride facility at other end of town should complement these  2 Alternative sites for parking are now limited and reduced by other developments  3 The financial resources of MDC to purchase alternative car parking has been severely affected.  4 Were figures of 3 hours ever included in the park and ride conditions?  5 Due to geography and retail provision in disparate locations 5 hours should be the minimum  6 The park and ride conditions did not assume all those parking were Tesco customers. Tesco customers should be excluded from the Park and Ride provision  7 By observation, the car park is never totally full  8 Now is not the time to change parking provision in Maldon  9 The committee should decide if the cameras are for crime prevention  The proposal contravenes the S106 agreement  There is no justification to grant permission.</p>	<p>The comments have been noted and addressed within the report</p>

**8. PROPOSED CONDITIONS**

**Recommend approval with no conditions**

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

<b>Application Number</b>	<b>ADV/MAL/17/00075</b>
<b>Location</b>	Tesco, Fullbridge, CM9 4LE
<b>Proposal</b>	Advertisements related to ANPR cameras and associated signs at Tesco car park
<b>Applicant</b>	Tesco Store Ltd
<b>Agent</b>	Mrs. Mariana Benitez Rickmann
<b>Date Valid</b>	2 February 2017
<b>Target Decision Date</b>	30 March 2017
<b>Case Officer</b>	Hilary Baldwin, TEL; 01621 875730
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

**1. RECOMMENDATION**

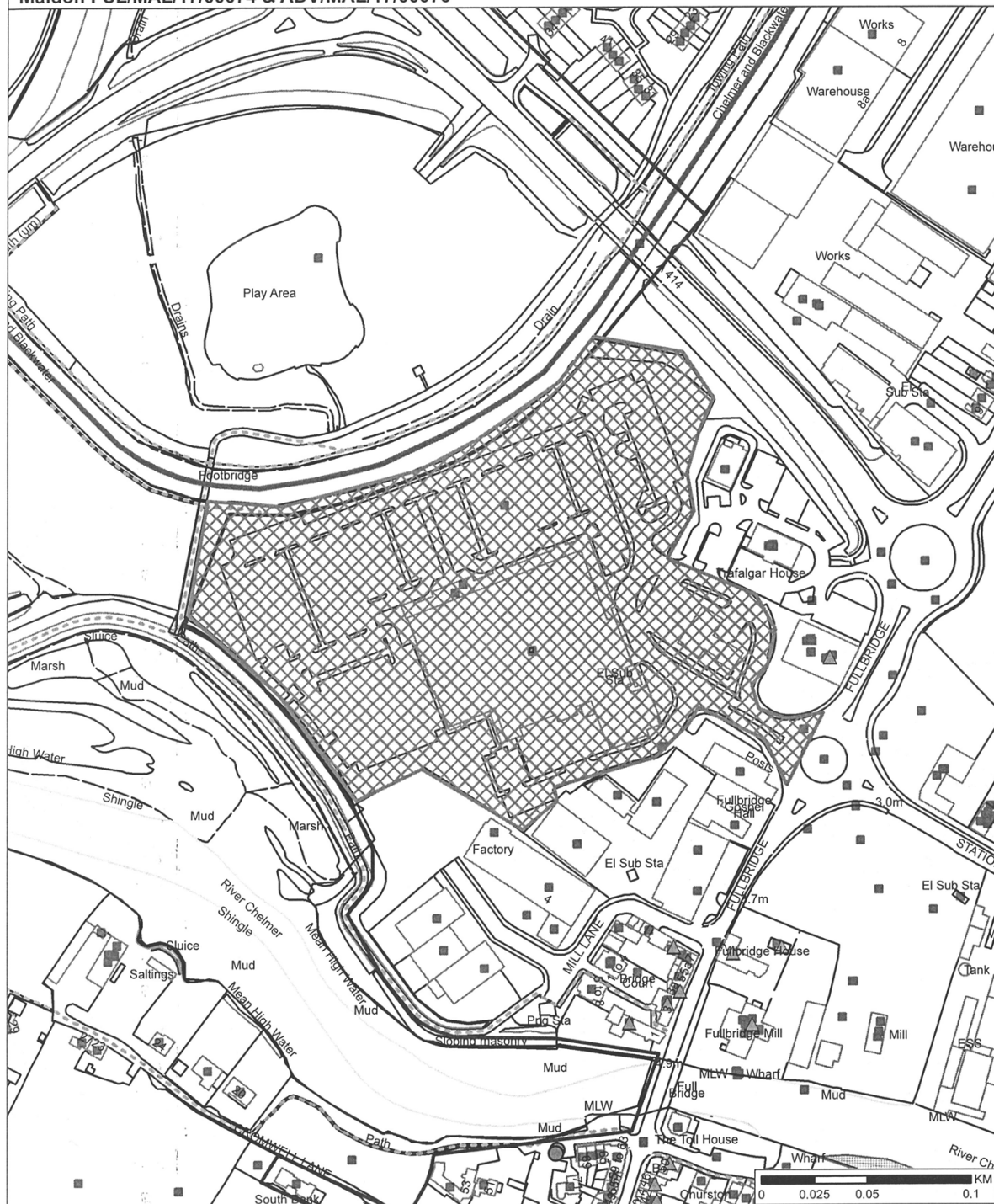
**SPLIT DECISION:** For the reasons as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

# Tesco - Fullbridge

Maldon FUL/MAL/17/00074 & ADV/MAL/17/00075



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Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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

Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 10/03/2017

MSA Number: 100018588

### 3. SUMMARY

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

- 3.1.1 The application site is within the settlement of Maldon and is occupied by a large retail store (Tesco) and associated petrol filling station and shopper parking facilities. In addition there is a “Click and Collect” facility and car wash located on the western side of the site. The eastern side of the site adjoins the roundabout with Fullbridge and Station road and is the primary vehicle access into the complex. Neighbouring site to the east and south comprise a mix of fast food outlets, offices, industrial and workshop facilities.
- 3.1.2 The site lies to the north of the Chelmer and Blackwater Navigation Conservation Area which effectively wraps around the site. The site does not fall within the Conservation Area but is within the defined settlement boundary. A public footpath is located on western boundary adjacent to the river estuary and is elevated above the car park and store building. Additionally a towpath is located on the northern boundary with views directly into the car park.
- 3.1.3 The proposal seeks advertisement consent for a total of 36 advertisements. These are directly associated with the proposed customer car parking restrictions within the site and in relation to 2 (two) Automatic Number Plate Recognition (ANPR) cameras under consideration through FUL/MAL/17/00074. The advertisements comprise two styles; one, a main sign upon entry with the remainder being a smaller sign board located in numerous locations around the car park. Details of the sign boards are as follows:

	Width of Sign	Height of Sign	Total Height above ground
<b>Main Entry Board Sign</b>	<b>1250mm</b>	<b>860mm</b>	<b>1360mm</b>
<b>Post Signs</b>	<b>600mm</b>	<b>800mm</b>	<b>2800mm</b>

- 3.1.4 The main entry sign would be located adjacent to the primary vehicle entrance at the east of the site whilst the post signs are located in various positions around the car park area. These signs would be as follows:

		Colour Code on Submitted Plan
<b>Back to Back signs on Existing Posts</b>	7 (14)	Yellow
<b>Single signs on Existing Posts</b>	13	Red
<b>Single signs on New Posts</b>	13	Green
<b>Wall Signs on western elevation</b>	2	Purple

<b>of main store</b>		
<b>Total Locations</b>	35 (42)	

### **3.2 Conclusion**

- 3.2.1 In terms of the Main Entry sign board, this individual board is considered acceptable and to comply with the policy criterion. However, the number of proposed post signs and in conjunction with the existing high level of post signs, are considered overly dominant within the car park, resulting in an excessive proliferation of signage to the detriment of the site and the adjoining Conservation Area. Whilst the individual signs themselves are not considered contrary to policy criteria for design or size, the volume of post signs in conjunction with the existing signs within the car park would result in visual clutter and which, due to their siting at high level above car height would be highly visible both within the site and from views from the adjacent Chelmer and Blackwater Conservation Area.
- 3.2.2 It is therefore recommended that advertisement consent is granted for the main entry sign board, and that advertisement consent is refused for the 35 post signs and the associated additional posts. A split decision is therefore recommended.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 67

### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 Design of New Development and Landscaping
- BE9 Advertisements on Buildings
- BE10 Display of Advertisements Remote from the Site Being Advertised

### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- D1 Design Quality and Built Environment
- D6 Advertisements

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

- National Planning Policy Framework (NPPF)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 In order to determine if the proposal for advertisement consent is acceptable, the proposal must be assessed against the requirements of policy BE9 and also have



regard to emerging policy D6 of the LDP which confirms the direction of travel for the Council in terms of the District wide position for advertisements. The NPPF also provides additional guidance on advertisements, recognizing at paragraph 67 that poorly placed adverts can have a negative impact on the appearance of a built and natural environment. The paragraph goes on to confirm that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. This is reflected in the current local plan policy BE9 and also policy D6 of the submitted LDP.

- 5.1.2 Policy BE9 states that consent will only be given for the display of advertisements that respect the interests of public safety and amenity subject to four criteria. With regard to amenity, the preamble to policy BE9 states at paragraph 6.44 that *“The legislation controlling the display of advertisements strikes a balance between the need of commerce to advertise and the need to protect the visual amenity of the area.”* Paragraph 6.45 of the preamble provides guidance on appearance of the advertisements in terms of being well proportioned and not dominant in relation to the elevation on which it is displayed, suitable lettering size and type and need to avoid clutter. Paragraph 4.46 of the preamble refers to the suitability of materials for the advertisements proposed. It is noted that the need for good design for all new development is also reflected in policy BE1 of the local plan.
- 5.1.3 The four criteria of Policy BE9 and relevant assessment are as follows:
- 1     Advertisements will only be permitted if they are well designed and located so as not to detract from the area in which they are situated
- 5.1.4 The proposed advertisements are considered to be of an acceptable design reflective of the existing use of the building and follow corporate design standards recognizable with the authorized use of the building by a major food retailer.
- 5.1.5 In terms of location, the main entry sign is considered to be in a relevant location and fit for purpose both in terms of its siting and visual amenity.
- 5.1.6 The post signs would, with the back to back signs total 40 new sign boards on existing and new posts. The existing car park already contains numerous directional and parking signs. Seven (7) of the new posts would be located directly adjacent to the boundary of the site.
- 5.1.7 The car park is already a visually busy environment with a proliferation of instructional and directional signs and it is considered that a further 40 sign boards would visually detract from the area. Whilst it is acknowledged that advertisements can form an important part of a commercial development, the excessive number together with the existing signage will create a cluttered and visually damaging environment. The signs, by their very nature would be required to be sited above car height which further exacerbates their impact upon the public realm and street scene. Furthermore, the site perimeter and land immediately adjacent to the site (specifically the carpark) is predominantly a public footpath and towpath and located within the Chelmer and Blackwater Conservation Area. This area and its soft landscaped boundary marks a gradual transition between the site and its setting. The additional posts and signs on this boundary would be highly visible from outside the site, resulting in the visual clutter extending beyond the confines of the carpark.

5.1.8 The NPPF at paragraph 67 clearly states that poorly placed adverts can have a negative impact on the appearance of the built and natural environment and that advertisements should be subject to control in terms of interests of amenity, taking into account the cumulative impact.

2 Proliferation of signs advertising a single site or enterprise will not be permitted.

5.1.9 The proposal seeks a total of an additional 43 signs in total when counting the back to back signs individually. This number of signs is considered excessive and visually overwhelming. Whilst it is acknowledged that the content of the signs may be required for the purpose of commercial enterprise and customer advice, this should not be to the detriment of visual amenity.

5.1.10 Within paragraph 6.45 of the preamble to policy BE9, it states that all advertising is expected to respect basic design criteria and avoid clutter and repetition. These additional signs together with the existing signs are considered to result in a confusion of information and chaotic appearance.

3 Signs and advertisements should relate to the scale and character of the building on which they are located

5.1.11 In terms of the scale of the advertisements all are considered commensurate with the size and scale of the building on which they would be sited. In terms of character, the estate is not considered to be of any particular architectural merit and in this regard the proposed advertisements would not appear out of character when viewed singularly or within a significantly smaller quantity.

4 Consent for signs to be illuminated will be considered in relation to the visual impact and functional need. Such advertisements will not be permitted in residential areas.

5.1.12 It is not intended to illuminate the advertisements. Therefore the proposal complies with this element of the policy criterion.

## **5.2 Highway Safety**

5.2.1 The position of the proposed advertisements is a relevant and it should be clear that no harm would result in terms of highway safety. In this instance, the Highway Authority has not objected to the proposal on highway safety grounds. The positioning of the advertisements is not considered to result in any material harm to road users in terms of highway safety. Therefore, no conflict would arise with policy T2 of the LP or submitted policy T2 of the LDP.

## **5.3 Other Consideration**

5.3.1 It is noted that this submission and the corresponding application for the installation of 4m poles and ANPR cameras has attracted a significant quantity of public attention. This is in relation to the potential 3 hour restriction for customer parking by the retailer at the site and the implications of this for the previously required parking

bays for public parking in conjunction with the use of a “park and ride” facility into the wider area of Maldon and Heybridge. Notwithstanding the potential implications of this, the current application must be assessed upon its own merits and consideration against relevant adopted local and national policy. However, from research undertaken into the planning history of the site, the four hour limitation was required through legal agreements agreed and signed in conjunction with successive planning applications. Therefore, any decision taken by the local planning authority for this advertisement consent and the associated planning application to install ANPR cameras (referenced earlier in this report), would not be contrary to any planning condition appended to previous grants of permission, but would be conflicting with the relevant legal agreements.

- 5.3.2 It is noted that the Town Council support the application subject to there not being a condition already in place that allows unlimited parking for residents and visitors, if such a condition exists. As the current application is for advertisement consent this analysis is not relevant to this application and will be undertaken within the submission for planning permission for the ANPR cameras.
- 5.3.3 The proposal has attracted letters of representation, comment and public interest in relation to the potential loss of parking bays for the park and ride facility from this car park and the potential restriction of parking to 3 (three) hours. However, as stated within paragraph 5.3.2 above, this assessment is not relevant for assessment through advertisement consent and will be addressed within the relevant planning application for the ANPR cameras submitted in conjunction with this submission.
- 5.3.4 It is noted that both the Council’s Conservation Officer and Urban Design Officer do not object to the proposal and comment that it would not impact upon the Central Area Action Plan or the adjacent Conservation Area. Notwithstanding this, as detailed above, the excessive proliferation of signs is considered to result in significant detrimental visual impact both within the site and views from the adjoining Conservation Area. Furthermore, it is noted that the Central Area Action Plan has not been adopted and is only at a draft stage.

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

- ADV/MAL/99/00227 - Proposed non illuminated car parking signs. ADVA 29.04.1999.
- ADV/MAL/01/01142 - Internally illuminated signage. Part Approved Part Refused 11.02.2002.
- ADV/MAL/01/01144 - Internally illuminated signage at petrol filling station, kiosk and canopy fascia. Refused 11.02.2002.
- ADV/MAL/02/00025 - Two gantry signs relating to adjacent supermarket and petrol filling station. Withdrawn 21.02.2002.
- ADV/MAL/02/00179 - Install internally non-illuminated canopy signs and internally illuminated fascia sign to petrol filling station. Refused 14.05.2002. Appeal Allowed 09.12.2002.

- ADV/MAL/02/00180 - Install 2 no. internally illuminated gantry signs relating to adjacent supermarket and petrol filling station. Refused 14.05.2002. Appeal Allowed 09.12.2002.
- ADV/MAL/02/00181 - Install 7 no. internally illuminated signs to supermarket building. Approved 10.05.2002.
- ADV/MAL/08/00219 - Continued display of two gantry signs (Renewal of advertisement consent ADV/MAL/02/00180). Approved 11.04.2008.
- ADV/MAL/10/00139 - Car park signage. Refused 27.04.2010.
- ADV/MAL/10/00140 - Replacement gantry signs. Approved 15.04.2010.
- ADV/MAL/10/00141 - Re-branding of petrol filling station canopy and kiosk. Approved 15.04.2010.
- ADV/MAL/10/00142 - Main building elevation signage. Approved 15.04.2010.
- ADV/MAL/10/00375 - Car park signage. Part Approved Part Refused 01.07.2010.
- ADV/MAL/12/00499 - Proposed signage to Click & Collect facility and the retention of existing signs. Part approved part refused 23.08.2012.
- ADV/MAL/12/00798 - Proposed signage to Click & Collect facility. Approved 20.12.2012.
- ADV/MAL/13/01158 - Installation of advertisements for proposed dry cleaning, key cutting, shoe & watch repairs pod to Class 1 retail premises. Refused 21.02.2014
- ADV/MAL/14/00266 - 2no internally illuminated fascia signs. Refused 24.07.2014
- ADV/MAL/14/00808 - Car park directional signage, tablet signs, window vinyls, gantry signs and AMT signage. Part allowed/Part refused 11.12.2014

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

### **a. Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Support: The Town Council recommends approval subject to there not being a condition already in place that allows unlimited parking for residents and visitors (if such a condition exists).	These points have been addressed within the report

### **b. External Consultees (*summarised*)**

<b>Name of External Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No Objection.	The comments of the Highway Authority are noted

**c. Internal Consultees** (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health Service	No Objection or Comment	The comments of the Environmental Health Service are noted
Conservation Officer	No Objection The development will not cause harm to the character, appearance setting or significance of the adjacent Conservation Area	The comments of the Conservation Officer are noted
Urban Design Officer	No Objection The proposal does not impact on the content of the masterplan. There is no comment on the proposal	The comments of the Urban Design Officer are noted

**d. Representations received from Interested Parties** (*summarised*)

7.1.1 Letters were received objecting to the application from the following and the reasons for objection are summarized as set out in the table below:

- The Maldon Society. 12 The Courtyard, Spital Road, Maldon
- Mr. & Mrs. Elliston. 28 Woodham Drive, Hatfield Peverel, CM3 2RR

<b>Objection Comment</b>	<b>Officer Response</b>
<p>Installation of CCTV may be uncontroversial but intention is to restrict public parking in the site. As previous permissions were granted on the basis that there would be unlimited public parking for park and ride facility this must be rejected.</p> <p>1 Central Area Plan states that proposed Park and Ride facility at other end of town should complement these</p> <p>2 Alternative sites for parking are now limited and reduced by other developments</p> <p>3 The financial resources of MDC to purchase alternative car parking has been</p>	<p>The comments have been noted and addressed within the report</p>

Objection Comment	Officer Response
<p>severely affected.</p> <p>4 Were figures of 3 hours ever included in the park and ride conditions?</p> <p>5 Due to geography and retail provision in disparate locations 5 hours should be the minimum</p> <p>6 The park and ride conditions did not assume all those parking were Tesco customers. Tesco customers should be excluded from the Park and Ride provision</p> <p>7 By observation, the car park is never totally full</p> <p>8 Now is not the time to change parking provision in Maldon</p> <p>9 The committee should decide if the cameras are for crime prevention</p> <p>The proposal is contrary to the S106 agreement made with MDC</p> <p>Whilst it is noted this may stop Lidl customers parking this would stop traffic movements.</p>	

## 8. **PROPOSED CONDITIONS AND REASONS FOR REFUSAL**

### **Part Approve and Part Refuse**

#### **APPROVE Main Entry Sign Board**

**Shown on drawing ref: B349\_001, Dated January 2017 and annotated as Main Entry sign x 1.**

Subject to the following conditions;

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

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.
  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.
- REASONS 1- 6: These conditions are imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.

**REFUSE Sign Boards**

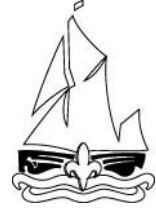
**Shown on drawing ref: B349\_001, Dated January 2017.**

**For the following reason:**

1. The sign board advertisements, due to excessive proliferation, are visually intrusive to the locality, resulting in a cluttered street scene with excessive signage, adversely and demonstrably causing harm to the character and appearance of the site and failing to preserve or enhance the special character and appearance of the Maldon Conservation Area, contrary to policies BE9 and BE11 of the Maldon District Replacement Local Plan, policies D3 and D6 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.

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**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
22 MARCH 2017**

**OTHER AREA PLANNING AND RELATED MATTERS**

**ITEM 1      APPEALS LODGED**

**ITEM 3      APPEAL DECISIONS**

Please see overleaf.

## **ITEM 1      APPEALS LODGED**

Notification has been received from the Planning Inspectorate of the following appeals lodged.

**Appeal Start Date:** 06/03/2017

**Application Number:** HOUSE/MAL/16/01090 (APP/X1545/D/17/3169620)

**Site:** 52 Victoria Road, Maldon, Essex, CM9 5HF

**Proposal:** Rooms in roof

**Appeal by:** Mr & Mrs J Milne

**Appeal against:** Refusal

**Appeal procedure requested:** Householder Appeals Service (HAS)

## **ITEM 2      APPEAL DECISIONS**

Notification has been received from the Planning Inspectorate of the following appeal decision.

HOUSE/MAL/16/00726 (Appeal Ref: APP/X1545/D/16/3161573)

Proposal: Two storey side extension

Address: 6 Narvik Close - Maldon

**APPEAL DISMISSED – 22 February 2017**

**DECISION LEVEL:** Committee (overturned Officer recommendation to approve)

**Application Number:** HOUSE/MAL/16/00662

**Appeal Ref:** APP/X1545/D/16/3164272

**Address:** 98 Washington Road, Maldon

**Proposal:** Single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion. (Resubmission)

**Decision Level:** Committee overturned Officer recommendation to approve

**APPEAL ALLOWED – 27 February 2017**

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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