

**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

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

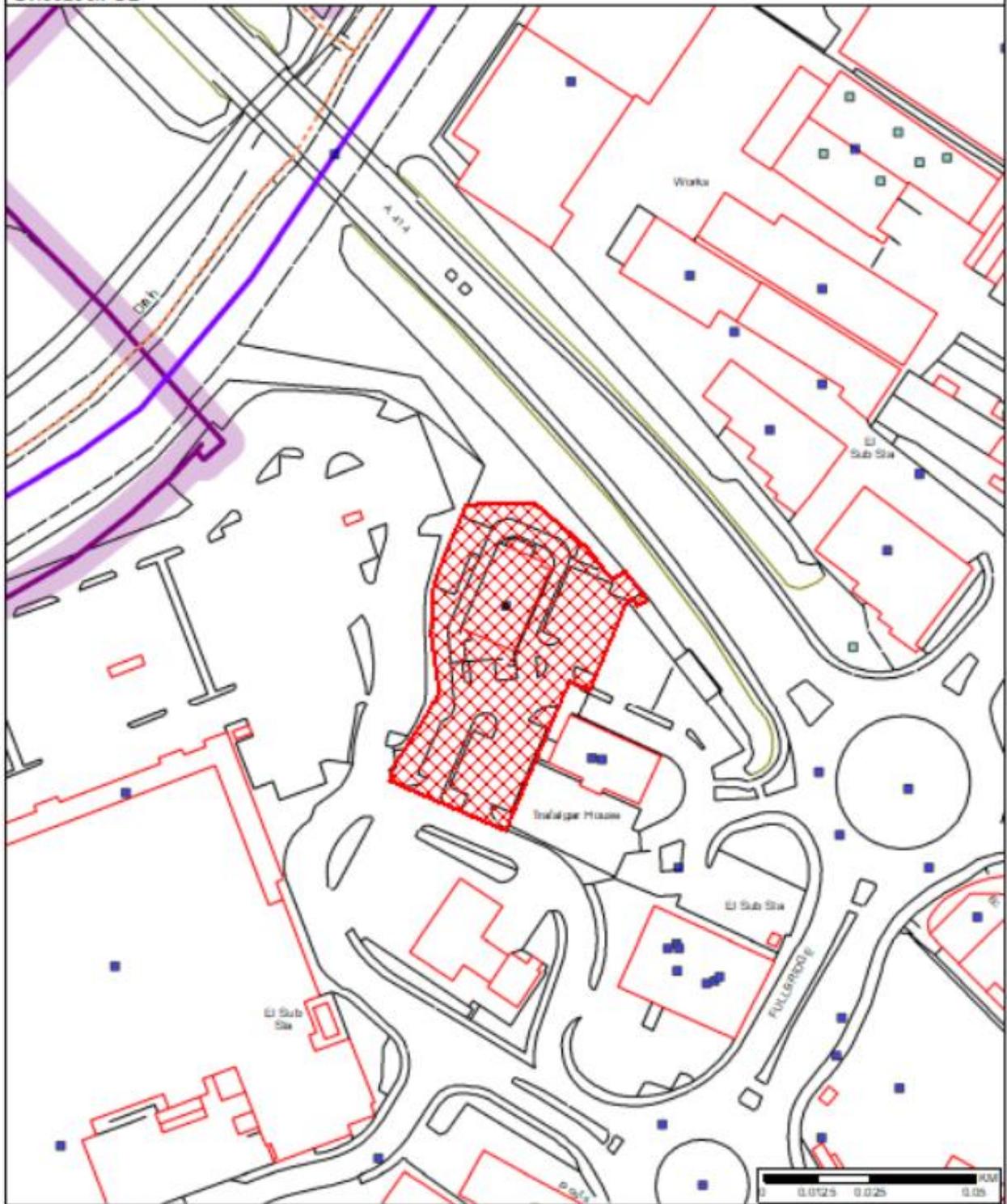
**1. RECOMMENDATIONS**

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

**2. SITE MAP**

Please see below.

**McDonalds, Fullbridge**  
21/00269/FUL



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

### **3. SUMMARY**

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

##### Site description

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

##### Proposal

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

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

3.1.8 It is acknowledged that concern has been raised regarding the loss of the play area. Having looked at the previous approval, it is noted that this element had not received formal consent. It falls within the area which includes the additional drive through lane and the principle of this change has already been agreed and the planning permission implemented. It would appear the play area/seating was only in place due to the drive thru element of the 2016 scheme not been carried out.

3.1.9 The agent for the application has also confirmed a number of picnic tables to be removed, which were not utilised and the provision of the tables supplied at the front of the store, with associated barriers and accessibility was considered sufficient for the store. The removal of this area of seating was considered acceptable in 2016.

### **3.2 CONCLUSION**

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

## **4. MAIN RELEVANT POLICIES**

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

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

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 80 – 84 Building a strong and competitive economy
- 102 – 111 Promoting Sustainable Transport
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places
- 148 – 169 Meeting the challenge of climate change, flooding and coastal change
- 170 – 183 Conserving and Enhancing the Natural Environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- H4 Effective Use of Land

- N2 Natural Environment
- T1 Sustainable Transport
- T2 Accessibility

#### 4.3 Relevant Planning Guidance / Documents:

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

## 5. MAIN CONSIDERATIONS

### 5.1 Site History

5.1.1 The scheme as submitted would have reduced car parking levels and altered the drive thru layout, compared to the scheme approved under planning reference 16/00315/FUL. Following comments from ECC Highways the applicants have amended the scheme so that the layout of the drive thru is the same as the approved scheme.

5.1.2 The site photos show that the larger bin store as shown on the 2016 application has been built and therefore implementation of that scheme has already occurred.

### 5.2 Principle of Development

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

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

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

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.3.3 The proposed extensions comprise bay type windows to the existing presenter and cash booths, enabling additional service area. They would extend the existing built form in terms of construction and materials, and in total (both together) would comprise approximately 5sqm. The previous application had larger extensions than those proposed within this application. These extensions are relatively minor in nature and would be consistent with the existing building.

5.3.4 With regards to the proposed reconfiguration of the drive thru lane, the proposal would involve some loss of soft landscaping to accommodate the additional lane.

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

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

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

- 5.4.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.

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

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

- 5.5.1 Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport. Moreover, policy T1 of the LDP support development that would encourage travel by other means than private motor vehicles and promote safety and security.

- 5.5.2 As mentioned previously, the existing parking and access arrangements would not be altered as a result of this proposal, and this was already accepted within the previous application in 2016. The proposed reconfiguration of the drive thru facilities is expected to assist the movement of vehicles on site. According to the application form there are 34 parking spaces currently on site. For Food and Drink units (Use Class A3) the Council's adopted parking standards SPD states that the requirement for car parking provision is a maximum of one parking space per 5sq m. The existing area of the unit is 228sqm and as such the total maximum requirement for parking is 46 spaces. The proposal would only extend the building foot print by approximately

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

5.5.3 The application site is considered to be a sustainable location where services are available within a walkable distance according to policy S5 of the LDP. Whilst it is noted the proposal would increase vehicular movement in and out of the site, the demand for parking would be minimal. ECC Highways has raised no objection in this regard.

5.5.4 Having regard to the Council's parking requirements, the sustainability of the location and the government guidance on reducing reliance on private motor vehicles and focus on sustainable means of transport, the shortfall of 12 spaces would not be detrimental to the local highway network or the free flow of traffic. On this basis, the proposal is considered acceptable in terms of highway safety and vehicle parking provision. Furthermore, ECC Highways has raised no objections to the proposal, subject to standard conditions. Therefore, there is no objection to the proposal in relation to access, parking and highway safety.

## **5.6 Flood Risk**

5.6.1 The application site lies within a defended part of Flood Zone 3 (high risk) where the risk from tidal / fluvial flooding is greater than 1:200 years. The proposed extension of the building would be 5sq m in area. The Environment Agency advises that a non-domestic extension, where the additional footprint created by the development does not exceed 250sq m, is a minor extension.

5.6.2 The use of the site as a restaurant and hot food takeaway facility is classed as a "Less Vulnerable" development according to the PPG, Flood Zone and Flood Risk Table 2: Flood Risk Vulnerability Classification. Also, it is considered that the proposed development would be minor. Therefore, there is no requirement for a sequential or exception test.

5.6.3 A completed FRSA009a form has been submitted alongside a Flood Resilience and Resistance Statement. The submitted form states that the floor levels within the proposed development will be set no lower than the existing levels and flood proofing of the proposed development has been incorporated where appropriate. The proposed flood resilience measures are considered to be satisfactory. The site is already developed, and the proposed development is therefore unlikely to increase the risk of flooding of other properties arising from the site. Therefore, the proposal would be in accordance with policy D5 of the LDP and advice contained within the NPPF.

## **5.7 Other Material Considerations**

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

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

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

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

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Council

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

### 7.2 Statutory Consultees and Other Organisations

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

### 7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received.

## 8 PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with section 91(1) of the town & country planning act 1990 (as AMENDED).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
  - 19507\_763\_01
  - 19507\_763\_03
  - 19507\_763\_05 REV.C
  - 19507\_763\_06 REV.B
  - 19507\_763\_50 REV.D
  - 19507\_763\_300 REV.DREASON: In order to ensure that the development is carried out in accordance with the approved details.
3. The external surfaces and fenestration of the development hereby approved shall be constructed of materials and finish as detailed within the application form and retained as such thereafter.  
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
4. The measures for securing the resilience of the development against the effects of a flood event contained within the flood resilience and resistance statement which was submitted as part of the planning application and forms part of this permission, shall be fully implemented and put in place prior to the first use of the development and retained as such thereafter.  
REASON: To ensure that the development is able to withstand any flood event in accordance with the National Planning Policy Framework and Policy D5 of the of the Local Development Plan.
5. No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
  - a) The parking of vehicles of site operatives and visitors
  - b) Loading and unloading of plant and materials
  - c) Storage of plant and materials used in constructing the development
  - d) Wheel and underbody washing facilitiesREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and policy D1 of the Local Development Plan and National Planning Policy Framework.
6. Prior to use of the new layout of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing no.300 rev D.  
REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy T1 of the Local Development Plan and National Planning Policy Framework.
7. Prior to use of the new layout of the development, the cycle parking shall be provided in accordance with the mdc parking standards. The approved facility shall be secure, convenient, covered and retained at all times.

- REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy T1 of the Local Development Plan and National Planning Policy Framework.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T1 of the Local Development Plan and National Planning Policy Framework.
9. There shall be no discharge of surface water onto the highway.  
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy D1 of the Local Development Plan and National Planning Policy Framework.
10. No works above slab level of the drive thru shall be carried out, until full details of the soft landscaping, shall be submitted to the local planning authority and agreed in writing. The details shall include, existing and proposed soft landscaping within the site and screening to the bin store area. The development shall then be implemented in accordance with the approved details and retained.  
REASON: To provide high quality natural environment and protect the visual amenities of the surrounding area, in accordance with policies D1 and N2 of the of the Local Development Plan and guidance within the National Planning Policy Framework.

#### **INFORMATIVES:**

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