



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

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

**1. RECOMMENDATION**

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

**2. SITE MAP**


Please see below.

# 43-45 High Street - Maldon

23/00724/LBC



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 Maldon District Council 100018588 2014

  
 MALDON DISTRICT COUNCIL

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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Area Committee
Date:	30/08/2023
MSA Number:	100018588

### **3. SUMMARY**

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

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

#### **3.2 Conclusion**

- 3.2.1 It is considered that the 1No. externally illuminated fascia, 1No. externally illuminated hanging sign, 1No. illuminated menu board, re-instatement of the lantern light and the repainting of windows and doors including the re-glazing of the arched fanlights, would not be detrimental in terms of safety and distraction to either highway traffic or pedestrians. Furthermore, it is considered that the advertisements, by reason of their siting, scale, design and size, are considered to be of appropriate scale and positioning and would not cause harm to the significance of the listed building. Therefore, the signage is considered to be in accordance with policies D3 and D6 of the Maldon District Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 174 – 193 Conserving and enhancing the historic environment

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

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

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

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

## **5. MAIN CONSIDERATIONS**

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

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

5.1.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).

5.1.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.

5.1.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly,

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

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

## **5.2 Impact on Residential Amenity**

- 5.2.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.2.2 The application site is bordered by two three storey mixed use Grade II listed buildings, No.47 (Commercial unit at ground floor) and Flats 1 & 2 (residential properties at first and second floors) to the east and No.41 (Commercial unit at ground floor) and residential flats at first and second floor level to the west.
- 5.2.3 The proposed signage is to the front of the building at ground floor level, the proposed fascia and hanging sign would be externally illuminated, however the lettering to the front would be lit by concealed 'halo' lighting and the hanging sign by trough lights which would not face directly into the residential properties above. The internally illuminated menu board would be positioned at a lower level facing outwards. Therefore, it is considered that the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP.

## 6. ANY RELEVANT SITE HISTORY

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

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

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

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

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

### 7.2 Internal Consultees

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

### 7.3 Representations received from Interested Parties

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

Objection Comment	Officer Response
Increase in noise	This application is solely for the addition of signage to the building
Traffic and parking issues	
Unnecessary development	

**8. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, LNG4165.BP, LNG4165.02, LNG4165.06A.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the advertisements hereby approved shall be as set out within the plans hereby approved.  
REASON To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.