



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
22 NOVEMBER 2023**

Application Number	23/00946/ADV
Location	43-45 High Street, Maldon, CM9 5PF
Proposal	Advertisement consent for 1No. externally illuminated fascia sign, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and lighting
Applicant	Mr Jon Birtles - Loungers UK Limited
Agent	Ms Ali Maskell - Richard Pedlar Architects
Target Decision Date	27 November 2023
Case Officer	Hayley Sadler
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In Councillor N R Miller has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) & D3 (Conservation and Heritage Assets)

1. RECOMMENDATION

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


2. SITE MAP

Please see below.

43-45 High Street - Maldon

23/00946/ADV



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	03/11/2023
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 floors.
- 3.1.2 Advertisement consent is sought for 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.
- 3.1.3 The proposed fascia sign would comprise of individual metal letters spelling out 'SALERO LOUNGE' in a mixture of gold and antique pink lettering, 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 an LED light strip to the upper section.
- 3.1.4 It is also proposed to make use of the existing lantern over the front entrance and re-instate it as a light, it would have 'CAFÉ BAR' hand gilded to three sides with a painted black outline.

3.2 Conclusion

- 3.2.1 It is considered that the 1No. externally illuminated fascia, 1No. externally illuminated hanging sign, 1No. internally illuminated menu board and re-instatement of the lantern light, 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 (MDLDP) 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 2023 including paragraphs:

- 2-14 Achieving sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 104-113 Promoting sustainable transport
- 136 Achieving well-designed places

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
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and on public safety.

5.1.2 The main policy when assessing this application is policy D6 of the adopted LDP. Policy D6 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 1. The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2. Any proposals will not result in a cluttered streetscene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3. Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4. Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.*

5.1.3 Paragraph 136 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that the control of advertisements should be efficient, effective and simple in operation.

5.1.4 Given the above, the principle of displaying an advertisement sign on business premises or public buildings is considered to be acceptable. Amenity and public safety considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 In assessing the impact of visual amenity, the Local Planning Authority (LPA) must assess the impact on visual and aural amenity of an advertisement. In assessing amenity, the LPA must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the surrounding area.

5.2.2 The proposed adverts are not considered to be excessive in size when compared to the building on which they would be displayed upon. They would be a sympathetic addition to the listed building. The signs would not detrimentally impact on the character and appearance of the wider streetscene and would not be out of keeping with the existing signage in the surrounding area.

5.2.3 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 and has advised that the proposed signage, including modestly scaled halo lit individual metal lettering and a trough lit painted timber hanging sign together with an internally illuminated menu board would be sympathetic to the character of the listed building and the area. A degree of illumination seems justified due to the intended restaurant use. 'Halo illumination' is where the light source is concealed behind lettering that stands proud of the surface and light is shone back onto that surface, creating a glow or 'halo' immediately around the letters. It is a more subtle form of illumination than internally illuminated lettering. The use of halo illumination would seem acceptable in this situation due to the small scale and sympathetic design of the proposed lettering. The lettering would nestle neatly within the architectural mouldings of the building's façade. The reuse and gilding of the existing lantern would be a nice touch, making use of and drawing attention to a traditional feature (incidentally the lantern is a modern replacement of a larger lantern shown on historic photographs). The Conservation and Heritage Specialist has raised no objection 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. Overall the Specialist has advised that the proposals should result in no harm to the significance of the heritage assets and has raised no objection or recommended any conditions.

5.2.4 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, D3 and D6 of the LDP.

5.3 Public and Highway Safety

- 5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.
- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 The adverts subject to this application are located on the front elevation facing the street. The signs would be mounted to the building and would be set back approximately 2 metres from the highway with a footpath in between. The fascia would be externally illuminated by concealed 'halo' lighting and the hanging sign would be externally illuminated with trough lights, the menu board would be internally illuminated. ECC Highways were consulted, and have advised that the proposed signage is acceptable subject to the imposition of a condition that requires the proposed light source being positioned and shielded, in perpetuity, to direct light towards the signage and away from the highway. Therefore, the advertisements would be in accordance with this aspect of policies D6 and T2 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
- **23/00943/FUL & 23/00944/LBC (Undetermined)** - Installation of condenser units and full internal alterations/refurbishment. (For consideration on this committee agenda)
- **23/00947/LBC (Undetermined)** - Installation of signage, changes to external materials including the repainting of doors and windows and glazing alterations. (For consideration on this committee agenda)

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends refusal of this application due to no information received from the Conservation Officer and concerns regarding the internally illuminated signage on the front of the building in the Conservation Area. Therefore, the proposal is contrary to Policies D1 and D3 of the Maldon Local Development Plan.	Noted – please refer to section 5.2 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 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection subject to recommended condition and Informative's	Noted – please refer to section 5.2 of report

7.4 Representations received from Interested Parties

7.4.1 **Four** 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 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:

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
 - Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
 - 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.

REASON FOR CONDITIONS 1-6:

These conditions are imposed pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with policy T2 of the Maldon District Local Development Plan.

INFORMATIVES

- 1 It is noted on the submitted plans that there appears to be planters proposed at the site frontage, however any item placed in the public highway requires a separate licence. Please contact the Local Planning Authority for further information.
- 2 Any sign over any part of the highway, requires a licence under Section 177 or 178 of the Highways Act, 1980 which will incur a charge. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all 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