



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
13 FEBRUARY 2017**

Application Number	FUL/MAL/16/01441
Location	164 Station Road Burnham-On-Crouch Essex CM0 8HJ
Proposal	Change of use from A1 to A2, with alterations to shop front and side elevation. Demolition of rear ground floor extension.
Applicant	Mr B Levy
Agent	Miss Kate Palmer - Arcady Architects Ltd
Target Decision Date	8 February 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Departure from the Local Plan Parish Trigger

Application Number	ADV/MAL/16/01442
Location	164 Station Road Burnham-On-Crouch Essex CM0 8HJ
Proposal	Display of two non illuminated fascia signs
Applicant	Mr B Levy
Agent	Miss Kate Palmer - Arcady Architects Ltd
Target Decision Date	3 February 2017
Case Officer	Nigel Hebden, TEL: 01621 875741
Parish	BURNHAM SOUTH
Reason for Referral to the Committee / Council	Departure from the Local Plan Parish Trigger

1. RECOMMENDATION

FUL/MAL/16/01441:

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

ADV/MAL/16/01442:

GRANT ADVERTISEMENT CONSENT subject to the conditions detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

164 Station Road

Burnham On Crouch FUL/MAL/16/01441 & ADV/MAL/16/01442



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Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Committee

Date: 01/02/2017

MSA Number: 100018588

3. SUMMARY

3.1 Site Description

- 3.1.1 The site comprises a two storey brick building with a vacant sports shop unit within the ground floor and residential flat above. There is a private drive to the north which gives access to a small yard to the rear and the service areas for neighbouring properties. The site is within the main shopping area of the town with commercial units opposite and to the north. However, to the south there is a recent residential development. The site is within the Burnham-on-Crouch Conservation Area.

3.2 Proposal

- 3.2.1 It is proposed that the retail unit is changed from A1 (retail) to A2 (financial and professional service) use and an additional shop front be formed in the return elevation. A single storey extension to the rear is to be demolished to provide additional parking. A separate application has been submitted for advertisement consent for the display of two fascia signs.

3.3 Conclusion

- 3.3.1 The application site is within a core retail frontage where the policy is generally to retain A1 retail units and secure the vitality and viability of the town centre. However, all the units within the immediate parades are relatively small in terms of modern retail requirements and changes of use to non-retail uses have been permitted in the past, including the redevelopment of the adjacent site for entirely residential purposes. As such it would be hard to justify a refusal in this case.

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:

- Paragraph 19 - Supports sustainable economic growth
- Paragraph 23 – Ensure the vitality of town centres by defining their extent based upon defined primary and secondary retail frontages
- Paragraph 56 – Promote good design
- Paragraph 126 – Conserve and enhance the historic environment

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- SH1 - Core Retail Areas
- SH2 - Protection of the retail function of town and district centres
- BE1 - Design of new development and landscaping
- BE 7 - Design of shop fronts
- BE13 - Development in conservation areas
- BE9 - Advertisements on buildings

- BE11 - Advertisements within conservation areas and affecting listed buildings

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

- S1 - Sustainable development
- D1 - Design quality and built environment
- D3 - Conservation and Heritage assets
- D6 - Advertisements
- E2 - Retail provision

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site is within one of the primary shopping frontages of Burnham Town Centre as defined by both the Replacement Local Plan (RLP) and the Local Development Plan (LDP). The change of use of the ground floor to an A2 (financial and professional services) use needs to be considered in the context of RLP policy SH1 and LDP policy E2.
- 5.1.2 The existing frontage to the north currently comprises two retail units (Use Class A1), a hot food takeaway (Use Class A5) and an estate agent (Use Class A2). Immediately to the east of the site (and still designated as SH1 retail frontage) is a recent residential development. On the opposite side of the road there are six retail units (Use Class A1), a laundrette, vets, dog groomers and two restaurants/takes aways (Use Class A3/A5) and estate agents.
- 5.1.3 RLP policy SH1 states that within Maldon and Burnham-on-Crouch Town Centres changes of use of ground floor retail units to any use other than D1(a) will be resisted. LDP policy E2 states that primary retail frontages will be protected and other uses will be resisted unless it can be shown that they:
- will not have a detrimental impact on the function, vitality or viability of the primary retail frontage;
 - will not create a new continuous frontage of three or more units of non-A1 uses.
- 5.1.4 No retail impact assessment has been submitted with the application. However, in the context of the current mix of uses that have been permitted and in particular, the redevelopment of the site to the east for residential purposes, it would be hard to justify the refusal of an A2 use in this location. The retail units are generally small and are occupied by specialist retailers; there are for example no food retailers. The use would provide local services that are generally found within or on the fringes of shopping centres as well as creating employment.
- 5.1.5 Overall, taking into consideration the location of the site within the retail area and the adjoining uses, it is not considered that the proposed development would have a demonstrable impact on the vitality and viability of the retail area.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The existing building dates from the late 20th century and has no particular architectural merit. Within the context of the conservation area the building would probably be regarded as having a negative impact. The existing shopfront and signage is possibly unauthorised as no consent for the existing fascia board can be identified. It is proposed to create an additional shopfront in the front part of the flank elevation. Following comments made by the conservation office an amended plan has been submitted which indicates a height of 60cm (reduced from 1.2 metres) for the fascia boards which will reduce the impact. The additional shopfront forming one side of an alley will not be prominent in the street scene or harm the character or appearance of the conservation area.
- 5.2.2 It is also proposed to demolish a single storey flat roofed extension at the rear of the shop. The existing building has no particular merit and an additional car parking space will be created.

5.3 Impact on Residential Amenity

- 5.3.1 The proposed use would have no additional impact than an A1 use and therefore, no objection is raised to the proposed development.

5.4 Access, Parking and Highway Safety

- 5.4.1 The proposal would result in the provision of an additional parking space at the rear. There are currently waiting restrictions in the street outside the property and the adopted standard for parking in respect of A2 units is lower than that for retail (A1) uses. A representation has been received that argues that the additional space would increase the likelihood of accidents being caused by users. The driveway only serves the application site and the property next door which has a small yard. Therefore, the total number of movements is relatively low as are any risks of conflict.
- 5.4.2 It is not therefore considered that an objection on highways safety or car parking could be sustained at appeal.

5.5 Advertising Signs

- 5.5.1 The proposed signs are non-illuminated and have been reduced in height in response to an objection from the conservation officer. RLP Policy BE9 requires that advertisement signs on buildings should be well designed and should relate to the scale and design of the building to which they relate. In this case the signs are proposed to be located within the existing and proposed fascia boards which are an entirely appropriate location. The existing fascia sign is over scaled and possibly unauthorised. It is now proposed to reduce the height of the sign by half and there are no other signs on the building.
- 5.5.2 RLP policy BE11 relates to advertising signs within conservation areas which have additional requirements in that signs should not be internally illuminated and there are detailed requirements regarding the materials and lettering. It has already been established that the sign will not be illuminated and as the occupier has yet to be identified because the change of use has yet to be determined it is not possible to

establish the detailed design. However, this aspect can be secured by the imposition of conditions.

- 5.5.3 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.
- 5.5.4 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.
- 5.5.5 It has already been established that the sign will not be illuminated and as the occupier has yet to be identified it is not possible to establish the detailed design at the current time. However, this aspect can be secured by the imposition of conditions. It is considered likely that an advertisement of a nature which is simple, clear and legible could be designed which would be unlikely to result in the confusion or delay of passing traffic to the detriment of public safety.
- 5.5.6 The positioning of the advertisement, which is visible from the highway, is not considered to result in the confusion or delay of passing traffic to the detriment of public safety.
- 5.5.7 Therefore, no conflict is considered to arise with policy T2 of the RLP or submitted policy T2 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FULF/MAL/90/00821** - Change of use to sandwich bar/cafeteria/tea rooms. Approved (5 years only) 24/10/90.
- **FUL/MAL/ 10/00271/FUL** - Single storey rear extension to shop. Withdrawn.
- **FUL/MAL/10/00504** - Single storey rear extension. Approved 10/08/10.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham Town Council (FUL/MAL/16/01441)	Support	Noted
Burnham Town Council (ADV/MAL/16/01442)	Object: Is within conservation area; unable to support until know what the sign will look like.	Area of sign has been reduced. No planning control over detailed wording of sign.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Objects to size of fascia box and sign	Fascia box and sign has been reduced to half its height.

7.3 Representations received from Interested Parties (*summarised*)

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

- Simon Putnam Church & Hawes 156 Station Road Burnham-On-Crouch Essex
- J Bennett 6 Chandlers Burnham-On-Crouch Essex

Objection Comment	Officer Response
Town needs to retain its retail units as many have closed.	See report.
Will be needed when new homes built	See report.
Retail units will never be replaced if converted to A2	Change from A2 to A1 is permitted development.
Rear of property should not be demolished to provide parking as other units only benefit from on street parking	Not a material planning consideration.

8. PROPOSED CONDITIONS

FUL/MAL/16/01441:

Conditions:

1. The development hereby permitted shall begin no later than three years from the date of this decision.
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 shall be carried out in accordance with the following approved plans and documents: Drawing Nos 16/26/01, 16/26/02 and 16/26/03 Rev A.
REASON: To ensure that the details are acceptable in accordance with the requirements of policies BE1 and BE13 of the Maldon District Replacement Local Plan.

ADV/MAL/16/01442:

Conditions:

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

- REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
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.
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
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.
- REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
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.
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
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.
REASON: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
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: In accordance with Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.
7. Prior to the display of the advertisements hereby approved details of the materials and lettering to be used shall first be submitted to and approved by the local planning authority and the signage displayed in accordance with the details so approved.
REASON: To ensure that the signage does not adversely affect the appearance or character of the Burnham-on-Crouch Conservation Area as required by policy BE13 of the Maldon District Replacement Local Plan.