



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

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

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