



**REPORT of  
CHIEF EXECUTIVE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**17<sup>th</sup> August 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00649</b>
<b>Location</b>	High Street, Burnham-On-Crouch
<b>Proposal</b>	Change of use of part of the Burnham On Crouch High Street to a weekly retail market. Every Tuesday until 31 August 2019. Operational times 07.00-15.00.
<b>Applicant</b>	Maldon District Council - Mr Richard Holmes
<b>Target Decision Date</b>	01.08.2017 EOT 16.08.2017
<b>Case Officer</b>	Nicola Ward, TEL: 01621 875864
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Maldon District Council Application

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# High Street, Burnham-On-Crouch

FUL/MAL/17/00649



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 17/00649

Date: 03/08/2017

MSA Number: 100018588

### **3. SUMMARY**

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

3.1.1 The application site forms part of the Burnham-on-Crouch High Street located on the highway, between the Barclays Bank and the hotel building at the junction of Ship Road with High Street. The site is located within the Burnham-on-Crouch Conservation Area, with a number of listed buildings in the immediate locality of the site.

3.1.2 Planning permission is sought for the use of the application site for a weekly market to take place every Tuesday between 07:30 and 15:00. This is a temporary permission sought until 31 August 2019. The submitted plans indicate approximately 18 stalls will be provided.

#### **3.2 Conclusion**

3.2.1 The proposed continuation of the temporary market is considered to be acceptable. It would support the local economy and assist in meeting the sustainability objectives for the District. There would also be no conflict with the policies contained within local development plan and national planning guidance.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 Maldon District Local Development Plan Approved by the Secretary of State.**

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E2 Retail Provision
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Assessment and Impact on the Character of the Area**

5.1.1 The principle of a temporary market located on the High Street within the Conservation Area is acceptable, in compliance with the relevant policies set out within the Local Development Plan (LDP) and the relevant national planning guidance.

5.1.2 Policy D1 of the LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution and, in the guidance

contained within the NPPF, seeks to ensure the need for good design and visual impact is a key consideration surrounding the sustainability agenda.

- 5.1.3 The site is located in the Conservation Area for Burnham-on-Crouch. Therefore, policy D3 of the LDP is applicable. This aims to ensure that development in conservation areas protect the character and historic value of the area, including views into and out of the areas. The NPPF provides further guidance on the importance of heritage assets and the need to protect them as part of new development proposals.
- 5.1.4 Planning permission was previously approved and has been implemented under reference 15/00698/FUL for the temporary use of the High Street as a market until 17<sup>th</sup> August 2017. The current application seeks to extend the temporary permission until the 31<sup>st</sup> August 2019.
- 5.1.5 Burnham-on-Crouch is an historic market town. There would be no objection to the continuation of the temporary use of the site as a market as it is considered to reflect the historic nature of the site and its relationship to the surroundings. The temporary nature of the proposal means that there would be no permanent changes to the highway, street scene, or historic context of the High Street.
- 5.1.6 The proposal is considered to be potentially helpful in promoting the viability and vitality of the town centre, encouraging further visitors to the historic town and helping to raise awareness of the importance of heritage protection.
- 5.1.7 Furthermore, no objections have been raised by the Conservation Officer in relation to this application. The proposal is therefore considered to comply with the above policies and be acceptable in terms of its appearance and impact.

## **5.2 Employment and economic considerations**

- 5.2.1 The application site lies within the core retail area of Burnham-on-Crouch High Street where policy E2 of the LDP aims to protect the retail functions. Development will be permitted if it will have no detrimental effect on the function and viability of the retail frontage and would not create a continuous frontage of three or more non A1 uses.
- 5.2.2 The market would not affect any existing businesses or buildings within the High Street. It would help to strengthen and maintain the role of the town centre by improving the range of retail facilities available which is considered to in turn help to promote the vitality and viability of the town centre environment.

## **5.3 Accessibility**

- 5.3.2 The site is located in an accessible location where there is access to the site on foot, by cycle, public transport and, if necessary, private cars. The central location of the site and its relationship to the High Street would be considered to offer benefits to the community in accessibility terms by providing further local retail opportunities in a central, accessible location. This would reflect the aims of policies S1 and T2 of the LDP and guidance contained in the NPPF.

## **5.4 Impact on residential amenity**

- 5.4.2 The proposed market would be sited within close proximity to residential units above existing retail and commercial units.
- 5.4.3 The proposal would result, effectively, in the intensification of use of the High Street for a limited and temporary period. This would create increased activity associated with visitors to the High Street and the market. However, taking into account the temporary nature of the proposal and the number of days per week the market is proposed to take place, it is considered that there would be no significant increase in the impact caused to residential amenity.
- 5.4.4 Whilst it is noted that there has been a concern raised of the amplified sound from the Environmental Health Officer this can be controlled through the imposition of a condition restricting the use of amplified sounds within the market stalls to prevent any impact on the amenity of the neighbouring occupiers.
- 5.4.5 Overall, it is considered that subject to the relevant conditions the proposed continuation of the market use would not result in any detrimental harm to the amenity if the neighbouring occupiers.

## **5.5 Access parking and Highway Safety**

- 5.5.1 It is acknowledged that the market does result in the loss of car parking space bays on market days that affront the 28-36 High Street and 40-52 High Street. However, this has to be considered in the wider context of the overall number of car parking spaces available within the town centre and the economic benefits to the town and District as a whole, of there being a market within the town centre on a regular weekly basis.
- 5.5.2 In addition the central and accessible location of the market would mean that people living in the locality would be able to walk to the facility. There are also regular bus services through the area.
- 5.5.3 The highway authority has also raised no objection to the proposal subject to the removal of the two stalls located to the west site in front of 22 and 24 High Street, due to the pitch point on the highway which would have a detrimental impact on the free flow of traffic and highway safety. This concern can be overcome by way of condition restricting the siting of the stalls to the west of the red outline of the submitted site plan.
- 5.5.4 It is considered that the proposed continuation of the market use would not result in any detrimental impact on the parking provision or the highway users, subject to condition the relevant conditions.

## **5.6 Other considerations**

- 5.6.1 Concerns have been raised in relation to the noise generated by the setting up of the stalls. This can be addressed by way of a condition requiring the stalls not to be set up before 07:00 and for all stalls and equipment to be removed by 15:30 on each day.

- 5.6.2 Further, concerns about the conduct of the market stall owners and rubbish left are not planning matters however and should be raised directly with the applicant or market manager to ensure they are sufficiently addressed.

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

- 15/00698/FUL - Change of use of part of the Burnham-on-Crouch High Street, to a weekly retail market. Every Tuesday until 31 August 2017. Operational times 07:30 - 15:00 – Approved

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham Town Council	Recommendation of Approval	Noted
Highways	No Objection subject to the removal of the two western stalls within the pinch point of the Highway	Addressed within section 9
Conservation Area Officer	I do not object this application. There have been markets held within Burnham since at least the 13 <sup>th</sup> century. The Market Place itself is long and wide, ideal for the market function. The weekly market will make a positive contribution to the continued vibrancy and special character of the conservation area.	Noted
Economic Development Officer	No Objections	Noted
Environmental Health	No Objection subject to a condition requiring no amplified sound to be used within the market	Addressed within section 8

### 7.2 **Representations received from Interested Parties**

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

- Ms Anderson 48 High Street, Burnham on Crouch
- Ms Ambury 30 High Street, Burnham on Crouch

- Mr Diack 5 St Marys House, High Street, Burnham on Crouch

Objection Comment	Officer Response
<ul style="list-style-type: none"> <li>• Unacceptable noise when setting up the stalls before the opening time</li> <li>• Noise of the music by one of the stall holders</li> <li>• Unacceptable level of rubbish left once the stall holders vacate the area</li> </ul>	Addressed within sections 8 and 10

## 8. **PROPOSED CONDITIONS**

1. The use hereby permitted shall be discontinued on or before 31 August 2019 unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.  
REASON: It is not considered that the grant of a permanent planning permission would be appropriate and a temporary permission would enable the local planning authority to reassess the impact of the development on the character of the Conservation Area and amenity of nearby residential occupiers in accordance with policies D1 and D3 of the Local Development Plan.
2. The Maldon retail market hereby permitted shall operate only between the hours 07:30 to 15:00 on Tuesdays only with no setting up of any stall prior to 07:00. All stalls and related equipment shall be removed from the site prior to 15:30 hours on each day.  
REASON: To ensure the use is appropriate to the locality in accordance with policy D1 of the Local Development Plan.
3. There shall be no amplified sound used within the market as outlined in red on the location plan which forms part of this permission, or by any stall, stall owner or operator at any time.  
REASON: To ensure the use is appropriate to the locality and to protect the amenity of nearby residential occupiers in accordance with policy D1 of the Local Development Plan.
4. Notwithstanding the layout of market stalls shown on drawing number ATS/552/02/A, no market stalls shall be erected/sited in the position where the two westernmost stalls are shown on that plan.  
REASON: To protect interest of highway safety in accordance with D1 and T2 of the Local Development Plan.