

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

15 May 2024

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **THURSDAY 23 MAY 2024** at **7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can do so via Microsoft Teams.

A copy of the agenda is attached.

Yours faithfully



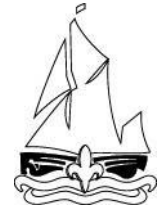
Director of Strategy and Resources

**COMMITTEE MEMBERSHIP:**

**COUNCILLORS**

M G Bassenger  
V J Bell  
D O Bown  
A Fittock  
A S Fluker  
L J Haywood  
W J Laybourn  
M G Neall  
R G Pratt  
U C G Siddall-Norman  
W Stamp, CC





**AGENDA  
SOUTH EASTERN AREA PLANNING COMMITTEE**

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**THURSDAY 23 MAY 2024**

1. **Chairperson's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 5 - 12)

To confirm the Minutes of the meeting of the Committee held on 10 April 2024 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **24/00328/ADV Land North West of 2 Maldon Road Burnham-on-Crouch** (Pages 13 - 24)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated).

6. **Any other items of business that the Chairperson of the Committee decides are urgent**

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**NOTICES**

**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

**Fire**

In the event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010

## Supplementary Planning Guidance and Other Advice (continued)

### ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
10 APRIL 2024**

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**PRESENT**

Chairperson	Councillor V J Bell
Vice-Chairperson	Councillor A Fittock
Councillors	M G Bassenger, D O Bown, A S Fluker, L J Haywood, W J Laybourn, M G Neall, R G Pratt and W Stamp, CC

**705. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**706. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor U C G Siddall-Norman.

**707. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 14 February 2024 be received.

**Minute No. 479 - any other items of business that the chairperson of the committee decides are urgent**

Councillor A S Fluker proposed the wording of this Minute be amended to include additional context, specifically reference to Steve Wright, a Creeksea resident, being a Radio DJ who had previously attended this Committee and promoted Burnham-on-Crouch. This amendment was duly noted.

The Chairperson then moved that the Minutes be confirmed, subject to the above amendment and this was duly agreed.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 14 February 2024 be confirmed.

**708. DISCLOSURE OF INTEREST**

Councillor R G Pratt declared a pecuniary interest in agenda item 7. 24/00105/FUL - Town Steps, The Quay, Burnham-on-Crouch, Essex, due to him being the Chairman of the Charity Board which had been claiming ownership of the land on which the pontoon

would be placed. Councillor Pratt confirmed that he would leave the Chamber for that item and not return.

At this point of the meeting and with the permission of the Chairperson, Councillor W Stamp brought to the attention of the Committee that an individual had been telephoning some of the female Council Members. She wanted to reassure Members that the issue was being taken seriously and being dealt with by the Council.

Councillor W Stamp declared she had an interest in agenda item 5. 23/00925/FUL - Land Adjacent 39 Green Lane, Burnham-on-Crouch, and would leave the Chamber for this item.

The Chairperson declared that Members of the Committee had the required dispensation from the Monitoring Officer regarding agenda item 7. 24/00105/FUL - Town Steps, The Quay, Burnham-on-Crouch, Essex, due to this being a Council application.

At this point of the meeting and in accordance with her earlier declaration Councillor Stamp left the Chamber.

**709. 23/00925/FUL - LAND ADJACENT 39 GREEN LANE, BURNHAM-ON-CROUCH**

<b>Application Number</b>	<b>23/00925/FUL</b>
<b>Location</b>	Land Adjacent 39 Green Lane, Burnham-on-Crouch
<b>Proposal</b>	Erection of a four-bedroom detached chalet style dwelling.
<b>Applicant</b>	Mr S Latif
<b>Agent</b>	Mr David DeVries
<b>Target Decision Date</b>	17.04.2024
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan

Following the Officer's presentation, the Chairperson opened the floor for debate.

Councillor A S Fluker proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded. The Chairperson put the proposal of Councillor Fluker to the Committee and it was agreed.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: LP1, PL.1, X01 Rev A, X02 Rev B, 05 Rev A.
- 3 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No development above slab level shall take place until details of all hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - a) means of boundary enclosure
  - b) hard surfacing materials

- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and
- d) implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved details. Any plant material removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

- 5 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
- 6 Prior to first occupation of the development, cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

At this point of the meeting Councillor Stamp returned to the Chamber.

**710. 23/01212/FULM - LAND SOUTH OF 97 SOUTH STREET, TILLINGHAM**

<b>Application Number</b>	<b>23/01212/FULM</b>
<b>Location</b>	Land South of 97 South Street, Tillingham
<b>Proposal</b>	Residential development for 11 dwellings, formation of new vehicular and pedestrian access, associated open space, parking and landscaping
<b>Applicant</b>	Mr B Levy – Countryside Style Ltd
<b>Agent</b>	Mr Chris Wragg – Arcady Architects Ltd
<b>Target Decision Date</b>	03.05.2024
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>TILLINGHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from the local plan Major Application Member Call In by Councillors A S Fluker and M G Neall – Policies D1, D2, D3, E4 and S8

It was noted from the Members’ Update that since the publication of the agenda, a formal response from the Local Lead Flood Authority had been received.

Following the Officer’s presentation an objector Mr Williams and the Agent Mr Wragg addressed the Committee.

The Chairperson moved the Officer’s recommendation as set out in the report which was duly seconded.

A lengthy debate ensued during which some Members raised concerns regarding the Officers’ proposal and the following points were discussed:

- The application site was situated outside the defined settlement boundaries and was therefore contrary to Policy S8 of the Local Development Plan (LDP) (2017).
- The Council could currently demonstrate a Five Year Housing Land Supply (5YHLS) which met with the requirements of the National Planning Policy Framework (NPPF).
- The development would be detrimental to the character and openness of the Countryside in which Tillingham sits in.

- The site had not been identified by the Council for development to meet future needs for the District.
- Although the application would provide affordable housing due to the rural location and facilities available it was questioned whether this would be better suited in a location with better access to employment and facilities.

Councillor A Fittock outlined how he felt the application would conflict with the Council's core policies and then proposed that the application be refused, contrary to the Officer's recommendation, on the grounds that it was contrary to Policies S1, S2 and S8 of the LDP and that the benefit did not outweigh the harm. This proposal was duly seconded by Councillor M G Neall.

In accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded.

In response to queries raised by Members, the Team Manager - Development Control advised that there were several factors that Officers had given great weight to when coming to their recommendation of approval. These included the provision of affordable housing ensuring that the Council maintained its 5YHLS figure for the remainder of the plan and reference to recent appeal decisions for adjacent sites. The facilities of the village were also looked at and the range of facilities present would be able to sustain everyday need. In answer to a question, about approval creating a precedent, members were advised that each application is treated on its own merits and that to approve the application would not weaken the case for members in considering applications for sites elsewhere in the District.

The Chairperson put the Officers' recommendation of approval to the Committee and the voting was as follows:

For the recommendation:

Councillors A S Fluker, W J Laybourn and R G Pratt.

Against the recommendation:

Councillors M G Bassenger, D O Bown, A Fittock, L J Haywood, M G Neall and W Stamp.

Abstention:

Councillor V J Bell.

The Chairperson advised that the recommendation of approval was therefore not agreed.

The Chairperson then put Councillor Fittock's proposal to refuse the application to the Committee and upon a vote being taken this was agreed. It was agreed that reasons for refusal should refer to the departure from the Local Plan.

It was agreed that Councillor Neall would represent the Committee at appeal, if required.

**RESOLVED** that the application be **REFUSED** for the following reasons:

- 1 The application site lies outside of the defined settlement boundaries where policies of restraint apply and the proposed development would be detrimental to the character and openness of the countryside. The Council can demonstrate a five-year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the



Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing and employment in the District. The development is therefore contrary to Policies S1, S2 and S8 of the Maldon District Local Development Plan (2017).

- 2 The proposed development would represent an unnecessary encroachment and visual intrusion into the countryside harmful to the setting and identity of Tillingham to the detriment of the rural character of the area. The development is therefore contrary to Policies S1, S2 and D1 of the Maldon District Local Development Plan (2017) and the National Planning Policy Framework.

At this point of the meeting and in accordance with his earlier declaration Councillor Pratt left the Chamber and did not return.

**711. 24/00105/FUL - TOWN STEPS, THE QUAY, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>24/00105/FUL</b>
<b>Location</b>	Town Steps The Quay Burnham-on-Crouch Essex
<b>Proposal</b>	Construction and installation of a replacement town pontoon, which includes replacement floating pontoon, refurbishment and reinstallation of access walkway and associated works.
<b>Applicant</b>	Ms Katy Moore – Maldon District Council
<b>Agent</b>	Mr Alan Dempsey – Nex Architecture
<b>Target Decision Date</b>	10.04.2024
<b>Case Officer</b>	Juliet Kirkaldy
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council application

Following the Officer’s presentation and with the permission of the Chairperson the Team Manager - Development Control read out a statement provided by the Council’s Senior Project Manager acting as the Applicant for the application.

Before opening the debate, the Chairperson expressed her disappointment in the like for like replacement that was in front of the Committee for determination rather than what had been promised initially and the time that Members of the Committee and residents of Burnham-on-Crouch had waited for this development.

The Chairperson moved the Officer’s recommendation of approval as set out in the report and this was duly seconded.

In response to a question regarding amending condition 1 so that work can be completed as soon as possible, Officers confirmed that the starting timeframe could be amended, however, there would need to be a sound planning reason for this.

Councillor W Stamp advised that if the development was not started by 2025 then the Council would lose the funding for the project.

Members felt that the proposed application needed to be completed as soon as possible due to the pontoon being of great importance to the local community and businesses as a tourist facility. It was agreed that if Members’ were minded to approve

the application condition 1 would be amended to ensure that work had begun before the expiration of one year from the date of the approval of the application.

The Chairperson put the Officer's recommendation of approval to the Committee, subject to the above amendment to condition 1 and this was agreed by assent.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with following approved plans and documents:
  - 117-Nex-00-XX-DR A – 102 REV P1 Pontoon Site Location Plan – existing
  - 117-Nex-00-XX-DR A – 103 REV P1 Pontoon Block Plan – existing
  - 117-Nex-00-XX-DR A – 251 REV P1 Pontoon Site Elevation – proposed
  - 117-Nex-00-XX-DR A – 252 REV P1 Pontoon Elevations – proposed
  - 117-Nex-00-XX-DR A – 120 REV P1 Pontoon Plan – existing
  - 117-Nex-00-XX-DR A – 121 REV P1 Detail Plan – existing
  - 117-Nex-00-XX-DR A – 230 REV P1 Pontoon Plan – proposed
  - 117-Nex-00-XX-DR A – 231 REV P1 Pontoon Detail Plan – proposed
3. The materials used in the construction of the development hereby approved shall be as stated within plans no. 117-Nex-00-XX-DR A – 251 REV P1, 117-Nex-00-XX-DR A – 252 REV P1, 117-Nex-00-XX-DR A – 230 REV P1, 117-Nex-00-XX-DR A – 231 REV P1 and shall be retained as such in perpetuity.
4. The public's rights and ease of passage over public footpath 11 (Burnham-on-Crouch) shall be maintained free and unobstructed at all times
5. Prior to commencement a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (James Blake Associates, January 2024). The CEMP shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

6. Prior to construction a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal (James Blake Associates, January 2024). The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 7. The surface of the access way shall be finished in a non-slip material.

There being no other items of business the Chairperson closed the meeting at 8.43 pm.

V J BELL  
CHAIRPERSON

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**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
23 MAY 2024**

<b>Application Number</b>	<b>24/00328/ADV</b>
<b>Location</b>	Land North West Of 2 Maldon Road Burnham-On-Crouch
<b>Proposal</b>	Erect 2no. non-illuminated entrance signs
<b>Applicant</b>	Mr Ian Holloway
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau
<b>Target Decision Date</b>	03.06.2024
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>BURNHAM-ON-CROUCH</b>
<b>Reason for Referral to the Committee / Council</b>	Called in by Councillor W Stamp – Policy D6

**1. RECOMMENDATION**

**GRANT** subject to the reasons set out in section 8.

**2. SITE MAP**

Please see below.



**Land North West of 2 Maldon Road, Burnham-On-Crouch**  
 South Eastern Area



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: 24/00328/ADV

Date: 30/04/2024

MSA Number: 100018588

### **3. SUMMARY**

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

##### Application site

- 3.1.1 The application site is located on the northern side of Maldon Road and the eastern side of Tinkers Hole, outside the settlement boundary of Burnham-on-Crouch. The site is currently under construction for the creation of a retirement community, known as Burnham Waters.
- 3.1.2 The land is relatively flat. The Burnham Waters site is to the north of the application site. On the southern side of Maldon Road is farmland with the junction to Ferry Road to the southeast.

##### Proposal

- 3.1.3 Advertisement consent is sought for two non-illuminated signs at the entrance to Burnham Waters. The two advertisements are proposed to be sited on the grassed margins between the edge of the carriageway and the hedgerows adjacent to the site entrance - one on each side. The signs are identical but handed non-illuminated signs. The signs would each be of navette shape in plan; where the sides are curves and pointed at both ends. The sign shapes would be formed from a metal framed box construction, 100mm wide, and having maximum plan dimensions of 4,000mm x 1,900mm. The signs would be clad externally in Corten steel.
- 3.1.4 In terms of height, the signs would rise from 400mm at the front and spiral around to a maximum height of 2,000mm at the rear. The words 'Burnham Waters' (150mm high) and the flower / leaves logo above it (300mm in diameter) would appear as fret cut letters / logo on the inner face of the sign, visible above the lower front face.
- 3.1.5 In support of the application, a covering letter prepared by the agent was submitted. It is unfortunate that the covering letter referred to the signage as being illuminated, including the logo and writing being backlit and external illumination. This was raised with the agent who advised that this was an error and submitted a revised covering letter confirming on page 3 that there would be no illumination, internal or external.

##### Background

- 3.1.6 Advertisement consent 24/00035/ADV was refused under delegated authority on 11 March 2024 for the erection of 2no. illuminated entrance signs. The reason for refusal was solely on the ground of the proposed illumination as follows:

*"The proposed advertisements, by reason of their illumination, would result in the advertisements being out of keeping with the existing rural character of the area and would therefore be harmful to the amenity of the countryside location. The proposed advertisements would therefore be contrary to Policy D6 of the Maldon District Local Plan (2017) and guidance in the National Planning Policy Framework."*

- 3.1.7 The current application is identical to the refused application with the exception of the illumination which has been removed in its entirety.

#### **3.2 Conclusion**

- 3.2.1 The previous advertisement consent was found to be unacceptable on the grounds of the proposed illumination only. The removal of the illumination in this application has

fully addressed the reason for refusal, thus making the proposed advertisements acceptable on both amenity and public safety grounds in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007 ('the Advertisement Regulations'), the National Planning Policy Framework (NPPF) and the Local Development Plan (LDP).

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

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

##### **4.1 National Planning Policy Framework 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
- 54-58 Planning conditions and obligations
- 131-141 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
- D6 Advertisements
- T2 Accessibility

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

- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)
- Planning Practice Guidance (PPG)

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Control of Advertisements**

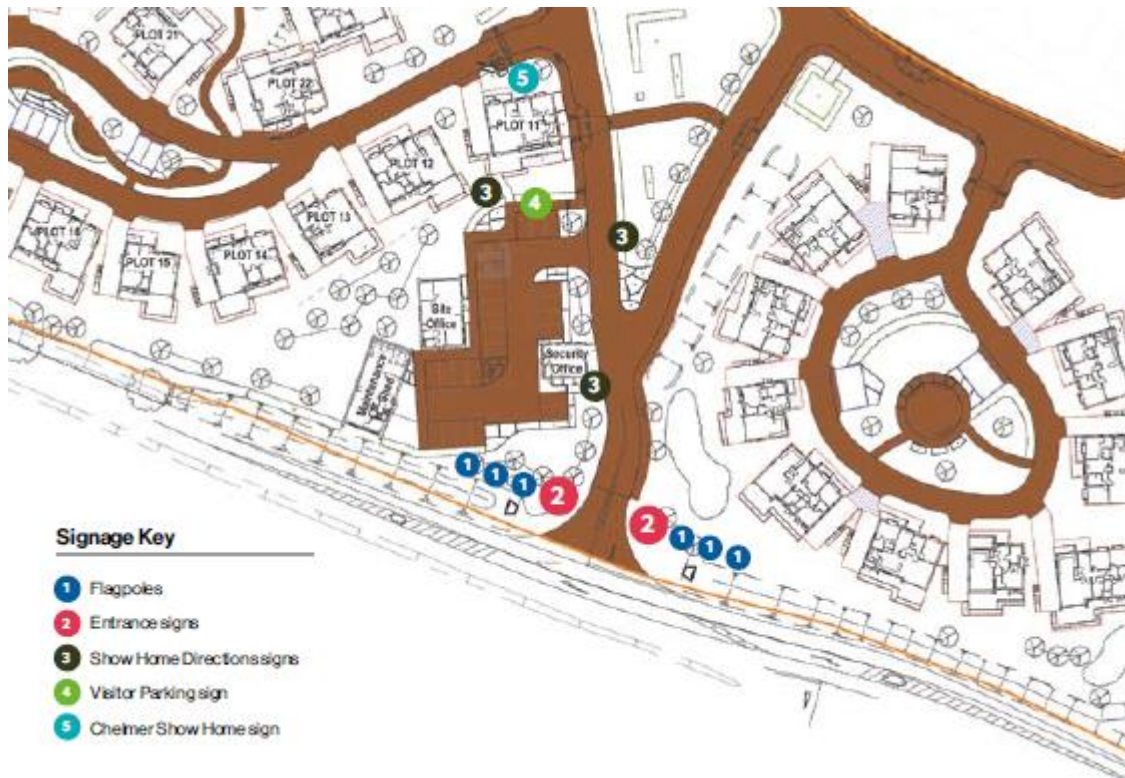
5.1.1 Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent, the Local Planning Authority may only consider two issues; the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

5.1.2 The NPPF and PPG also provide guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of built and natural environment and on public safety. Paragraph 141 of the NPPF confirms that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.



## 5.2 Amenity

- 5.2.1 The main issue to consider with this application is its effect upon the visual amenity of the area. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Paragraph 141 of the NPPF states that *“The quality and character of places can suffer when advertisements are poorly sited and designed”*.
- 5.2.2 In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual amenity in the immediate locality of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority 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 area.
- 5.2.3 Policy D6, referred to above, sets out criteria for the consideration of advertisements in relation to amenity, which are as follows:
- 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 street scene, 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.*
- 5.2.4 Express Advertisement Consent was granted in 2023 for the display of sales and marketing signs, including flag poles located behind the hedgerows flanking the site entrance, including two entrance signs (23/00694/ADV). In the covering letter submitted with this current application, the agent advises that to avoid proliferation of signs at the entrance *“the two entrance signs approved under consent ADV/MAL/23/00694 are required by planning condition to be removed prior to installation of the signs subject of this application (2No. signs annotated as ‘2’ on the approved drawing BW-2023-01 for that consent)”*. The two signs referred to can be seen, marked ‘2’, on the excerpt from the approved drawing below:



5.2.5 The previous advertisement consent (23/00694/ADV) acknowledged that the proposed advertising signs would be of a typical design displayed to promote the sale of housing within a development under construction following the completion of a show home. It was considered in the Officer's Report that *"Although the size and number of signage proposed to be displayed is larger in comparison to the existing signage in the vicinity of the site, all the signs have been designed to complement each other through the use of the colour palette proposed which would be sympathetic to the nature of the rural setting of the development"*.

5.2.6 The current proposals are for more permanent signs to mark the entranceway to the site. It is considered that the removal of the two previously approved entrance signs would assist in ensuring there is no further proliferation of signs at the entrance, therefore no objection is raised in regard to visual clutter / proliferation of signage. The display of two signs identifying the entrance to the Burnham Waters retirement community is considered to be acceptable in terms of amenity.

5.2.7 The illumination, which was previously considered to be unacceptable, has been removed from this application, therefore it considered that the proposed advertisement application fully addresses the previous reason for refusal and would not be harmful in terms of visual amenity, in accordance with Policy D6 of the LDP.

### 5.3 Impact on Public Safety

5.3.1 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public 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 advertisements are set back from the highway edge and are clear of the visibility splays for the retirement community. The Highways Authority has been consulted and raised no objection to the proposed signs in terms of highway safety. It is therefore considered that the development would accord with this aspect of Policies D6 and T2 of the LDP, and it would not have a detrimental impact on the public safety.

## 6. ANY RELEVANT SITE HISTORY

- **24/00035/ADV** - Erection of 2no. illuminated entrance signs. Refused – 11 March 2024.
- **23/00694/ADV** - Advertisement consent for the erection of non-Illuminated sales and marketing advertisements comprising 6No. flags on 6m high flagpoles, 2No. entrance signs, 3No. directional signs, show home sign and show home parking sign. Refused – 21 September 2023.
- **22/01139/VARM** - Variation of condition 1 (drawings), condition 3 (boundary treatments), condition 4 (details of soft landscaping), condition 7 (external materials), condition 14 (waste management/refuse points) and condition 18 (external plant/machinery) of reserved matters approval reference 22/00703/VARM (Variation of condition 7 (phasing plan) on reserved matters approval 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping))) to accommodate amendment to site access, revised external materials and enclosures for refuse storage and external plant/machinery. Approved – 21 April 2023.
- **22/01007/VARM** - Variation of conditions 15 (site access construction), 16, (site access layout), 17 (new footpaths) and 31 (approved drawings) on approved planning permission 18/00443/OUT ( Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping) (as amended by 22/00807/NMA) to accommodate amendment to site access, Approved – 9 March 2023.

- **22/00887/OUTM** - Outline Application with all Matters of Detail Reserved for Future Determination (Except for Layout and Means of Access to the Site) to Extend Approved Retirement Community to North and East Including Additional Affordable Housing: Erect 203 Dwellings Comprising 143No. One, Two and Three-Bedroom Bungalows, 60No. One, Two, and Three-Bedroom Apartments in Two-Storey Buildings. Lay Out Estate Roads, Footpaths, Vehicle Parking and Surface Water Drainage Infrastructure Including Swales and Detention Basins. Form Public Open Spaces Including Greenway, Orchards and Allotments and Lay out Hard and Soft Landscaping. Approved subject to S106 – 1 September 2023.
- **22/00703/VARM** - Variation of condition 7 (phasing plan) on reserved matters approval 20/00846/RES (Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping)), Approved – 7 February 2023.
- **22/00628/FUL** - Erect Show Home and Sales and Marketing Suite, Form Car Park, and Lay Out Associated Hard and Soft Landscaping in Connection with Adjacent Burnham Waters Retirement Community Development OUT/MAL/18/00443 and RES/MAL/20/00846 for a Temporary Period of one year. Refused – 17 October 2022.
- **21/00075/OUTM** - Outline application with all matters of detail reserved for future determination (except for layout and means of access to the site) to extend approved retirement community to north and east including affordable housing: erect 132No. one, two and three-bedroom bungalows, 100No. one, two, and three-bedroom apartments in two-storey buildings, and erect single-storey ancillary multi-use community building. Lay out estate roads, footpaths, vehicle parking and surface water drainage infrastructure including swales and detention basins. Form open spaces and allotments and lay out hard and soft landscaping. Refused and allowed on appeal – 21 March 2022.
- **20/00846/RES** - Reserved matters application for the approval of appearance, scale & landscaping on approved planning application 18/00443/OUT (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010

Maldon Road and Tinkers Hole and create associated hard and soft landscaping). Approved – 14 October 2023.

- **20/00387/RES** - Reserved matters application for the approval of appearance, landscaping and scale on approved planning application OUT/MAL/18/00443 (Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole, and create associated hard and soft landscaping), Refused – 10 June 2020.
- **19/01203/ADV** - Erect non-Illuminated advertisement hoarding not exceeding 23 metres in length. Approved – 13 January 2020.
- **18/00443/OUT** - Create retirement community consisting of 103No. one, two and three-bedroom bungalows (class C.3), 70 bedroom two-storey care home building (class C.2) and 55 bedroom two-storey assisted living apartment building (class C.3) including affordable housing. Erect ancillary community centre, 8No. shops (class A.1) with 8No. key workers apartments over in two-storey building, two-storey medical centre (GP, dental, optician, and dispensing chemist), and construct single-storey office and Maintenance Buildings. Lay Out Amenity and Sports Facilities Including Outdoor Swimming Pool, tennis courts, allotments and open spaces. Lay out estate roads, footpaths and surface water drainage infrastructure including swales and detention Basin. Form vehicular and pedestrian accesses onto B1010 Maldon Road and Tinkers Hole and create associated hard and soft landscaping. Approved subject to s106 – 13 September 2019.

## 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-on-Crouch Parish Council	No comment	

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highways Authority	The proposed signs are clear of highway land and they do not obstruct the visibility splays, therefore from a highway and transportation perspective	Noted, addressed at section 5.3 of this report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	the Highway Authority has no objections to this application.	

### 7.3 Representations from Interested Parties

7.3.1 **Two** 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
Whilst the application is for non-illuminated signs, the applicant's covering letter refers to them being backlit and having external lighting.	As discussed in section 3.1.5 of this report, the adverts would not be illuminated.
No need for lit signage in this location.	As discussed in section 3.1.5 of this report, the adverts would not be illuminated.
The proposed corten steel, translucent white plastic lettering and logos, along with the soft illumination, introduces elements that are incongruent with the surrounding countryside and significantly detract from its visual amenity.	As discussed in section 3.1.5 of this report, the adverts would not be illuminated. The impact on visual amenity is considered by officers to be acceptable, as discussed in 5.3 of this report.
While described as "low level", the lights could still pose risks by potentially distracting drivers or obstructing views.	The highway safety impact is considered to be acceptable by the Highways Authority, as discussed in section 5.4 of this report.
There is also unmitigated impact on wildlife	As discussed in section 3.1.5 of this report, the adverts would not be illuminated.

## 8. PROPOSED CONDITIONS

- 1 Prior to the installation of the advertisements hereby approved, the two existing entrance advertisements approved under consent reference 23/00694/ADV (both annotated as '2 Entrance signs' on the approved drawing BW-2023-01 for that consent) shall be removed from the site in their entirety.  
REASON: To ensure the number of advertisements is limited to avoid visual clutter and impacts on visual amenity.
- 2 The advertisements permitted by this consent shall not be displayed on the site after the sale of the last property or after expiry of five years from the date of this decision, whichever first occurs.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 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 2 - 7: These conditions are imposed pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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