



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
20 SEPTEMBER 2023**

<b>Application Number</b>	<b>23/00694/ADV</b>
<b>Location</b>	Land North West Of 2 Maldon Road – Burnham on Crouch
<b>Proposal</b>	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, 1No. Chelmer show home sign and 1No. show home parking sign.
<b>Applicant</b>	Mr Leigh Moccock – Burnham Waters Limited
<b>Agent</b>	Mr Stewart Rowe – The Planning and Design Bureau Ltd
<b>Target Decision Date</b>	25.09.2023
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Councillor W Stamp has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment)

**1. RECOMMENDATION**

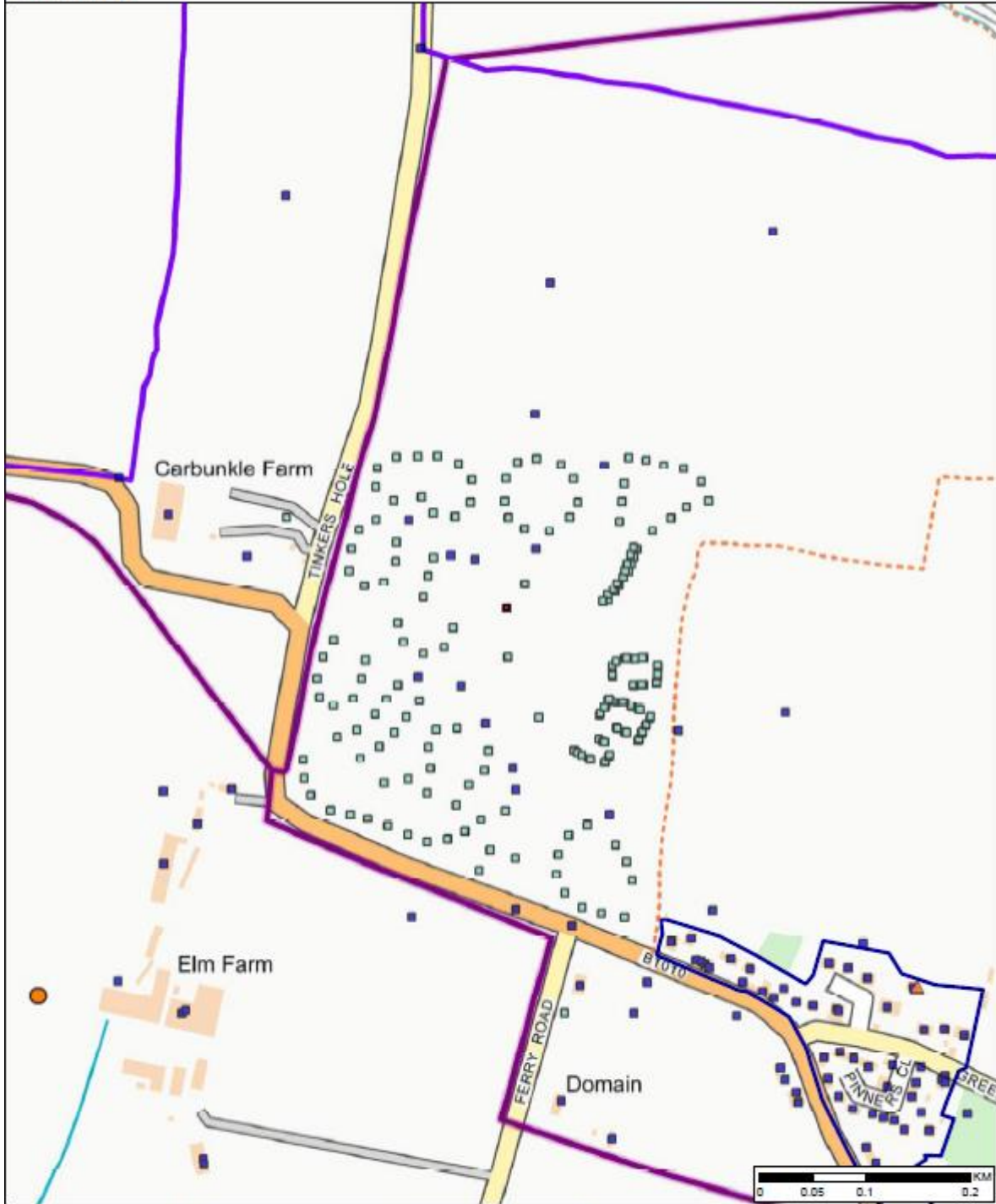
**APPROVE** subject to the conditions (as detailed in Section 8 of this report).


**2. SITE MAP**

Please see below.

# Land North West Of 2 Maldon Road - Burnham On Crouch

23/00694/ADV

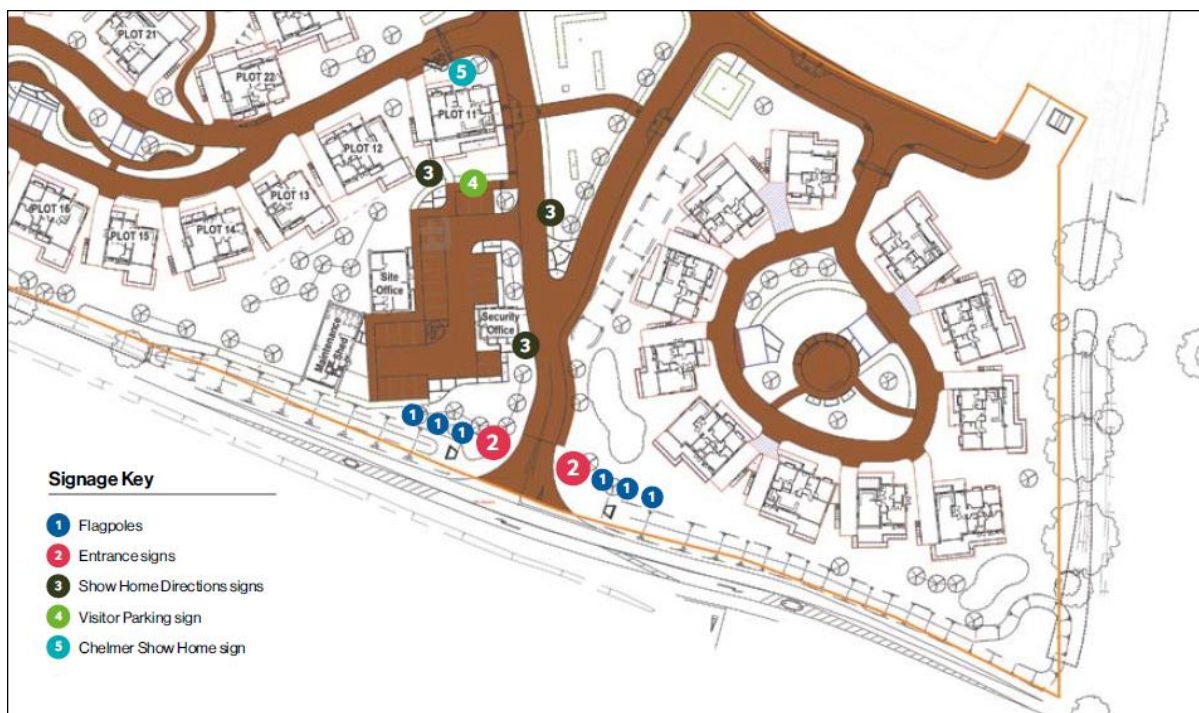


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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Area Committee
	Date:	23/08/2023
	MSA Number:	100018588

### **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 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 Advertisement consent is sought for 6No. flag poles and 2No. entrance signs which would be located either side of the main entrance of the site off of Maldon Road. 3No. directional signs, 1No. double sided Chelmer show home sign and 1No. show home parking sign which will all be located within the site.
- 3.1.3 The flag poles (marked as 1s on the plan below) would measure 6 metres in height and the flag itself would measure 2 metres in height and 1 metre in width. The flag would comprise of a gsm knitted polyester which would have a background colour of dark green to the top half with the 'Burnham Waters' logo in off white text and the bottom half would have a background colour of lime green 'Show Home Open' in charcoal grey writing. The flagpole itself would be a white aluminium tapered flagpole with rotating arm which would measure 76mm in diameter in maximum and would be fixed to the ground by a ground sleeve.
- 3.1.4 The entrance signs (marked as 2s on the plan below) would measure 4 metres in height and the sign itself would measure 3 metres in height and 1 metre in width. The sign would comprise of a Dibond sign with rear channels fixed to powder coated white aluminium square legs with steel straps. The sign would have an example image of a completed dwelling, with the 'Burnham Waters' logo and a description of the site in off white, a lime green circle with 'Show Home Open' in charcoal grey and a strip of dark green background the phone number and email address in off white along the bottom.
- 3.1.5 The directional signs (marked as 3s on the plan below) would measure 2 metres in height and the sign itself would measure 1.2 metres in height and 1.8 metres in width. The sign would comprise of a Dibond sign with rear channels fixed to powder coated white aluminium legs with steel straps. They would have the 'Burnham Waters' logo, Show Home and directional arrow on a dark green background in off white writing.
- 3.1.6 The visitor parking sign (marked as 4 on the plan below) would measure 1.9 metres in height and the sign itself would measure 0.92 metres in height and 1.4 metres in width. The sign would comprise of a Dibond sign with rear channels fixed to powder coated white aluminium square legs with steel straps. It would have a dark green background with the 'Burnham Waters' logo and Burnham Waters at the top and 'Visitor Parking' in the centre.
- 3.1.7 The double sided Chelmer show home sign (marked as 5 on the plan below) would measure 1.9 metres in height and the sign itself would measure 1.2 metres in height, 0.84 metres in width and 0.35 metres in depth. The sign would comprise of a double sided Dibond sign with rear channels fixed to powder coated white aluminium square legs with steel straps. It would have a Chelmer blue background to the majority of the top half with the 'Burnham Waters' logo and 'Welcome to our Chelmer Show Home' in charcoal writing, at the bottom there will be a strip of dark green background with the 'Burnham Waters' logo and Burnham Waters in off white writing.



### 3.2 Conclusion

3.2.1 Having taken all material planning considerations relevant to advertisements into account, it has been found that the proposed signs would not have a detrimental impact on the visual amenity of the surrounding area or on public safety and therefore, subject to appropriate conditions, it is considered acceptable and in accordance with the requirements of the National Planning Policy Framework (NPPF) and policies of 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 2021 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
- 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 (NPPG) 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 consider the local characteristics of the neighbourhood and whether the proposed advertisements are in scale and in keeping with the character and appearance of the surrounding area.

5.2.2 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. The site only benefits from one advertisement hoard which is to the north west of the site which was approved under reference 19/01203/ADV prior to the commencement of the building works. 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. The proposed signage scheme would not be

dissimilar or larger than that installed on housing development sites. To the contrary, it is typical that these types of advertisement signage during construction are present at the entrance to new development sites and within the sites themselves to ensure the safety of visitors in and around an ongoing construction site.

- 5.2.3 The current proposal is for a relatively small area of the wider site that benefits from permission for the erection of a mixed used development for a retirement community. It should be noted that it would be the flagpoles and the entrance signs that would be visible from within the streetscene of Maldon Road as they would be located adjacent to the highway to the front entrance of the development site. The remaining signs would be located within the site itself and due to their limited height would not be visible from outside the site boundary. Furthermore, it should be noted that none of the signage would be illuminated. In terms of the content of the signage, it would represent the advertisement of the site and would inform that the properties are ready for purchase, which again is not atypical for this type of development. Therefore, taking into consideration the nature of the proposed signage and their design and appearance, it is not considered that it would result in a detrimental impact or harm to the character and appearance of the application site or the wider amenity, in accordance with policies D1 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.
- 5.3.6 The adverts subject to this application are located either side of the front entrance to the site and within the site itself, with the flag poles and entrance signs fronting the highway. The application site is located on a corner within Maldon Road leading into to the main settlement of Burnham-on-Crouch and the advertisements proposed to the front would be set back from the highway. Essex County Council (ECC) Highways were consulted, and have advised that there are no highways issues as the signage would be within private land, clear of the highway. Therefore, the advert would be in accordance with this aspect of policies D6 and T2 of the LDP.

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

- **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

- **19/01203/ADV** - Erect non-Illuminated advertisement hoarding not exceeding 23 metres in length, Approved – 13 January 2020
- **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
- **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
- **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 additional 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
- **21/00717/NMA** - Application for non-material amendment following grant of 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\_ Amendment sought: Rotate maintenance building through 30 degrees (anti-clockwise) and extend driveway., Approved – 3 August 2021

- **21/01009/NMA** - Application for non-material amendment following grant of planning 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)) Amendment sought: Reduce ridge heights of approved bungalows by up to 300mm., Approved – 18 November 2021
- **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
- **22/00657/NMA** - Application for non-material amendment following grant of Planning Permission 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). Amendment sought: construct electricity sub-station building. Refused – 28 July 2022
- **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

- **22/00807/NMA** - Application for non-material amendment following grant of 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) Amendment sought: insertion of a planning condition that lists the approved drawings, Approved – 13 September 2022
- **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
- **22/01007/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
- **22/01139/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

## 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 Town Council	No response	N/A

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection	Noted

### 7.3 **Representations received 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:

<b>Objection Comment</b>	<b>Officer Response</b>
The signage is not appropriate or necessary as there is ample advertising of this development on the way to Burnham	Noted – refer to section 5.2 of report
The flagpoles and related signage will be highly incongruous and distracting for unsuspecting traffic rounding the bend.	Noted – refer to section 5.3 of report
The size, height, and number of flags on 6m high flagpoles is visually intrusive and out of scale with the surrounding environment.	Noted – refer to section 5.2 of report
The flagpoles impact on migratory birds and other local fauna.	The advertisement scheme has been assessed in accordance with the criteria of amenity and public safety as required under the Control of Advertisements Regulations. No additional assessment is required.

## 8. **PROPOSED CONDITIONS**

- 1 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.
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.