



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

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

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



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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**

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Parish Council	No comment	

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
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.