



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
14 NOVEMBER 2018**

Application Number	ADV/MAL/18/01066
Location	Land South Of Wycke Hill and Limebrook Way Maldon Essex
Proposal	Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb.
Applicant	Maldon District Council
Agent	None.
Target Decision Date	19.11.18
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Council application

1. RECOMMENDATION

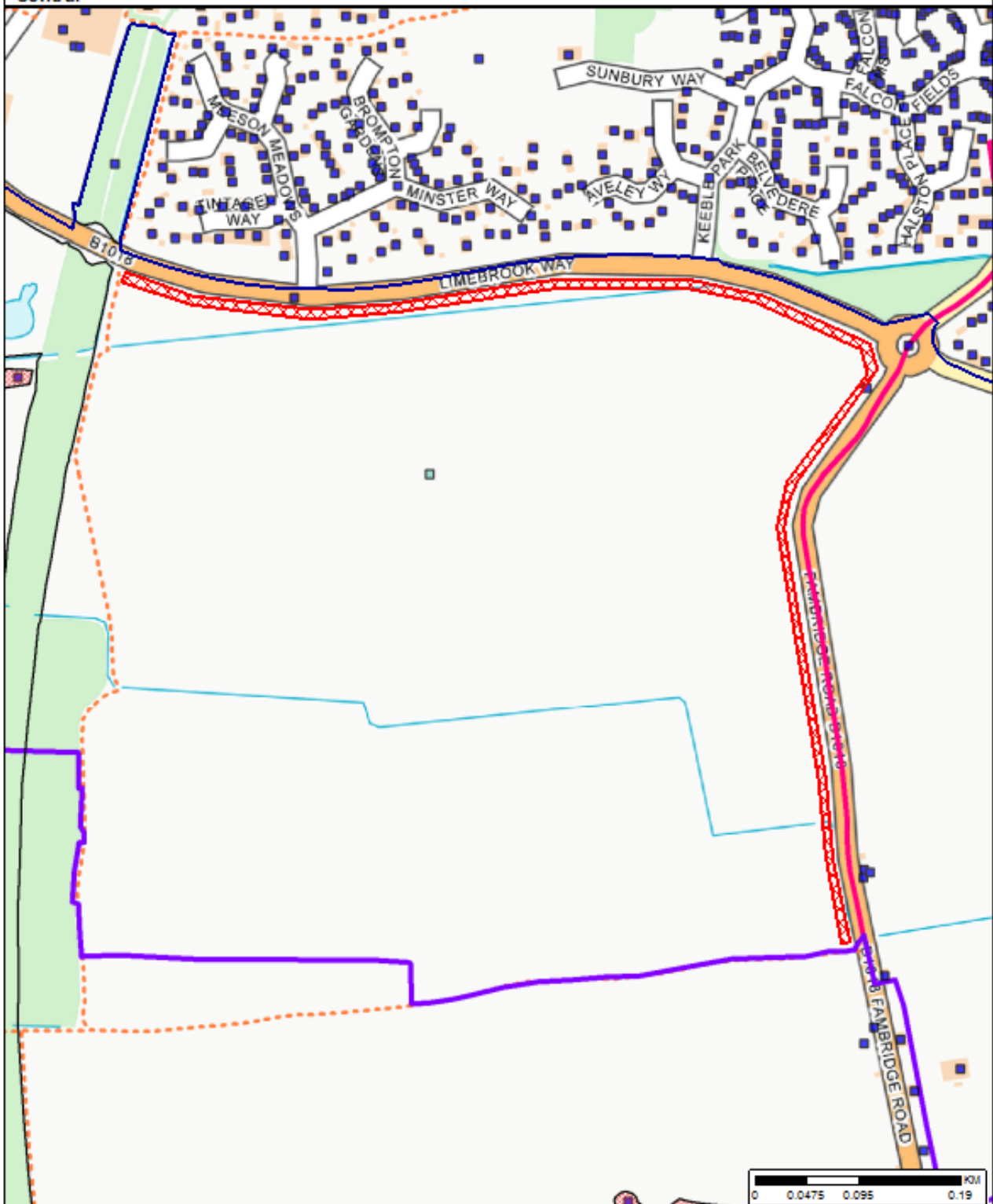
GRANT ADVERTISEMENT CONSENT subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

18/01066/ADV

Central



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:4,828
Organisation:	Maldon District Council
Department:	Department
Comments:	Central
Date:	16/10/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application relates to part of Strategic Site 2(A) in the Local Development Plan (LDP) which has planning permission for up to 1,000 houses (planning permission reference OUT/MAL/14/01103) on land located immediately to the south of Limebrook Way. The current application site is located to the east of the former railway line which runs through the Strategic Site, from north to south. The application site includes the hoardings which have been erected along part of the boundaries of this Strategic Site with Limebrook Way (to the north) and Fambridge Road (to the east). The site measures approximately 6m in width and 1280m in length. Development works have commenced behind the hoardings.
- 3.1.2 Maldon District Council seeks consent to display advertisements attached to the hoardings, at any point along the hoardings but not exceeding a linear distance of 100m, to promote Maldon as a great place to live and work and announce the creation of the South Maldon Garden Suburb. The individual panels would measure between 4.1m and 4.8m in length and 2.1m in height. Consent is sought for a two-year period, until 30/09/2020. The advertisements would not be illuminated. The positioning of the adverts on the hoardings would vary according to the stages of the development.

3.2 Conclusion

- 3.2.1 The proposed advertisements would not cause material harm amenity or public safety, in compliance with Policy D6 of the LDP and the National Planning and Policy Framework (NPPF), and are recommended for approval on this basis.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 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
- 80-84 Building a strong and competitive economy
- 117-118 Making effective use of land
- 124-132 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
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Maldon District Design Guide (MDDG)

5. MAIN CONSIDERATIONS

- 5.1 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 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. Paragraph 132 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.
- 5.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:
- 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;
 - Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;
 - 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;
 - 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.

5.3 Principle of Development

- 5.3.1 The principle of displaying advertisements on hoardings at the site is considered to be acceptable, subject to an assessment of the impact of the proposal on amenity and public safety.

5.4 Impact on Amenity

- 5.4.1 The 2007 Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 5.4.2 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

- 5.4.3 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The quality and character of places can suffer when advertisements are poorly sited and designed.”

- 5.4.4 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.4.6 Policy D6, referred to above, sets out criteria for the consideration of advertisements in relation to amenity.

- 5.4.7 In assessing the impact of amenity, the Local Planning Authority must assess the impact on visual and aural amenity of an advertisement. In assessing amenity, the Local Planning Authority must consider the local characteristics of the neighbourhood

and whether the proposed adverts are in scale and in keeping with the character and appearance of the area.

- 5.4.8 The advertisements would not be illuminated and only cover a maximum of 100m of the length of the hoarding which extends to around 1280m. The proposed promotional material would be viewed in the context of the construction site and would add interest to the hoardings. Given that the development of the adjoining land for residential purposes is in progress, the hoardings are already in situ and the advertisements are only proposed for a temporary period, it is considered that the proposed advertisements would not cause demonstrable harm to the character and appearance of the area or be visually intrusive.

5.5 Impact on Public Safety

- 5.5.1 Factors relating to public safety, in this case, would be principally concerned with highway safety.
- 5.5.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety.
- 5.5.3 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 main consideration in assessing an advertisement's impact is whether the advertisement itself, or the 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.
- 5.5.4 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.
- 5.5.5 The Highways Officer has raised no objection to the proposed advertisements, subject to the imposition of a condition requiring that the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of buildings materials and manoeuvring of all vehicles, including construction traffic, shall be provided clear of the highway. However, such a condition is not relevant or necessary in this case due to the minor scale of the works and as this matter is not relevant to the assessment of an application to display advertisements. Obstructions to the highway are, in any event, controlled by other legislation.
- 5.5.6 Based on this and as a result of the nature, size and position of the proposed advertisements, it is not considered that the proposal would be detrimental to highway or public safety. It is considered that the adverts are of a design which is simple, clear and legible, and in a position, so that they are unlikely to result in confusion or delay of passing traffic to the detriment of highway safety.

5.6 Other Material Considerations

- 5.6.1 The Economic Development Team support the proposal which will promote Maldon District as a great place to work, live and enjoy.

6. ANY RELEVANT SITE HISTORY

- **ADV/MAL/18/01176** - 10 sign panels measuring 3,050mm by 1,500mm and one sign panel measuring 57,339mm by 2,140mm. 9no. flags 1,000mm by 2,000mm attached atop 6,000mm poles. Undetermined to date (Taylor Wimpey).
- **RES/MAL/18/00531** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works - Approved 11.09.2018 (Taylor Wimpey).
- **FUL/MAL/18/00494** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 02.10.2018 (Taylor Wimpey).
- **FUL/MAL/18/00071** - Variation of conditions 5, 13, 21, 25, 43, 53, 55, 61, 63, 67, 68, 69, 74, 81, 84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 13.04.2018.
- **FUL/MAL/18/00070** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 13.04.2018.
- **FUL/MAL/17/00396** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 24.07.2017.
- **FUL/MAL/16/01458** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping,

sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 16.02.2017.

- **FUL/MAL/16/01454** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 16.02.2017.
- **OUT/MAL/14/01103** – Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure. Approved 01.12.2016.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as would be an eyesore, resulting in visual clutter, distracting to traffic and due to the confusing application process.	Noted – refer to sections 5.4 and 5.5 of report. It is unclear what is means by ‘the confusing application process’.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Officer	No objection, subject to a condition relating to building materials and manoeuvring of vehicles being provided clear of the highway, and an informative.	Noted – refer to section 5.5 of report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Economic Development	Fully support this proposal which will promote Maldon District as a great place to work, live and enjoy.	Noted

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

- 1 The express consent hereby granted shall be for a period of 2 years beginning from the date hereof.
REASON This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.
REASON This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3 No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c. hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.
REASON This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.
REASON This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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 This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 The advertisements hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan ATS/554/18, Block plan ATS/554/19 and elevations/hoarding visuals.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 8 The advertisements hereby permitted shall measure a total linear length of no more than 100m at any one time (measured horizontally at the widest point).
REASON To ensure that the development is carried out in accordance with the details as approved, in the interests of public safety and amenity, in accordance with Policies D1 and D6 of the Maldon District Approved Local Development Plan, and the NPPF.

INFORMATIVES

1. All advertisements must be sited clear of the Highway.