



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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	ADV/MAL/18/01473
Location	The Promenade Park Drive Maldon
Proposal	Illuminated sign.
Applicant	Maldon District Council
Agent	-
Target Decision Date	28.02.2019
Case Officer	Spyros Mouratidis
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land Council application

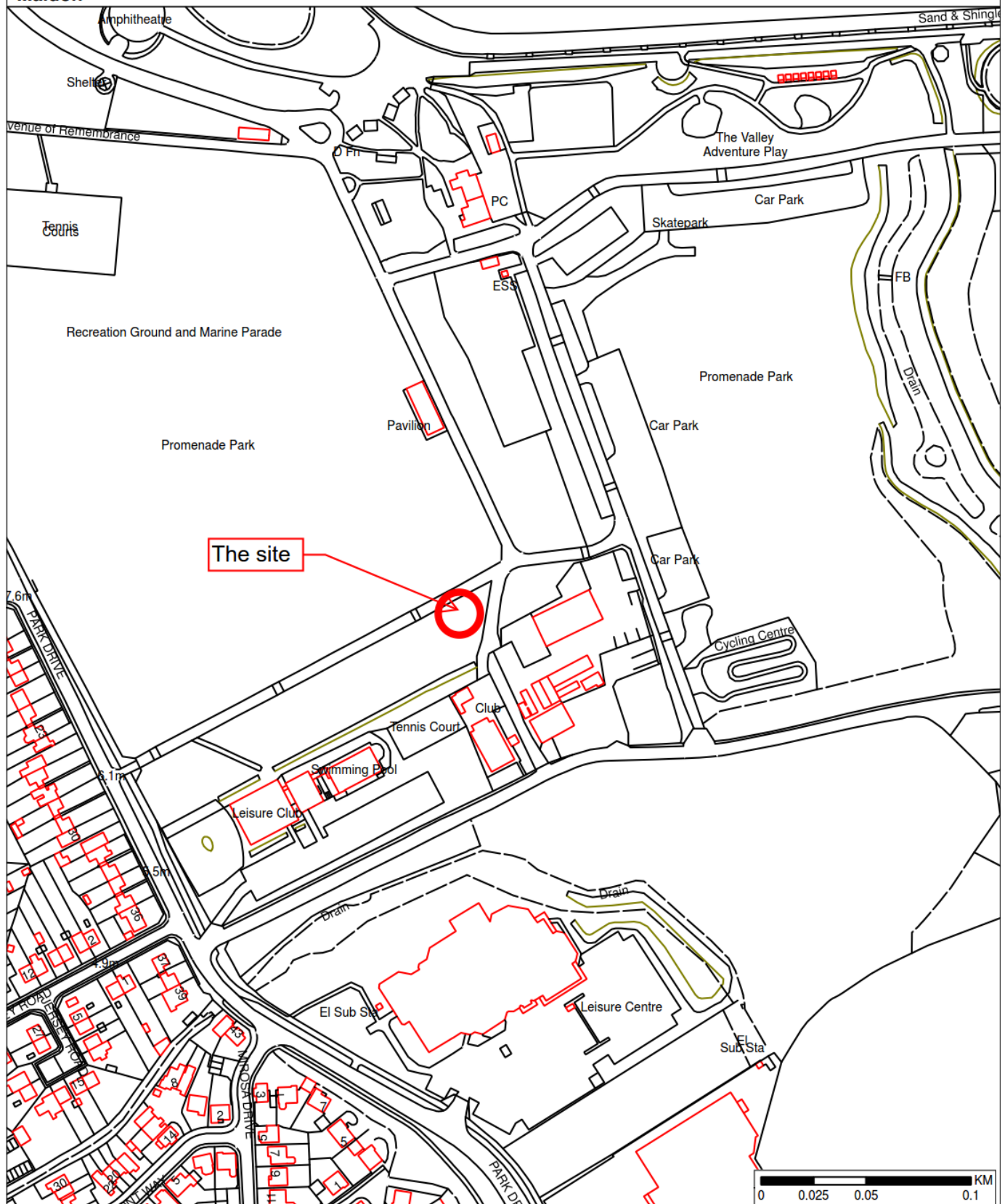
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

18/01473/ADV - The Promenade Park Maldon



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 28/01/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Advertisement consent is sought for the display of a digital, internally illuminated sign in the Promenade Park, by the vehicular access road to the park. The sign has already been installed and displays functional information about the Local Authority's activities under the deemed consent granted by the Advertisement Regulations. Maldon District Council (the "Council") now wishes to use the sign to advertise activities of other organisations and individuals and as such there is the need for express advertisement consent to be granted by the Local Planning Authority (LPA). The sign measures 2m wide by 1.1m high and is displayed at 0.9m above the ground level.

3.1.2 The Application Site lies within Promenade Park to the east of Park Drive, within the leisure quarter as identified in the Maldon District Local Development Plan (LDLDP) and the Maldon and Heybridge Central Area Masterplan (CAMP). Promenade Park is a historic park and is a non-designated heritage asset. There is a road adjacent to the location of the advertisement which leads to the car parks in the Promenade and the rear part of the Maldon and Burnham Sea Cadets.

3.2 Conclusion

3.2.1 The application is for an existing sign which could stay in the location lawfully if only functional messages from the Council were to be displayed. The additional advertising messages would not be detrimentally harmful to the amenity of the area or the public safety. No adverse effect has been identified to the character and appearance of the area or highway safety and the significance of the non-designated heritage asset would be preserved. Overall, having regard to all material planning considerations, the advertisement is in line with local policies S1, S5, D3 and D6 of the approved Local Development Plan (LDP), the national policies contained in the National Planning Policy Framework (NPPF) and the guidance contained in the Maldon and Heybridge Central Area Masterplan SPD, the Maldon District Design Guide (MDDG) SPD and the Planning Practice Guidance.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 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
- 54-57 Planning conditions and obligations
- 80-84 Building a strong, competitive economy
- 85-90 Ensuring the vitality of town centres

- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D6 Advertisements
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon and Heybridge Central Area Masterplan SPD (CAMp)
- Maldon District Design Guide SPD (MDDG)

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 PPG 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.

- 5.1.2 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:

“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.”

- 5.1.3 The Application site lies within the Leisure Quarter of the CAMp. The CAMp includes six objectives and eighteen (18) projects. The Application Site is part of the area affected by project 16 and the proposal sits comfortably with the project of managing the Promenade Park. Project 16 is expected to contribute to four objectives of the CAMp. The application is contributing towards objective CA3 which seeks to promote the Maldon Central Area as a focus for culture and visitor attractions.
- 5.1.4 The principle of displaying an advertisement which will update visitors of the park about the activities of the Council and other organisations within the park and the district is considered to be acceptable. An assessment of the impact of the proposal on amenity and public safety, as well as other material planning considerations will be discussed in the following sections of the report.
- 5.1.5 It should be noted that Class 1 of Part 1 of Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended any functional advertisements of government departments and their agencies, local authorities, public transport undertakers, statutory undertakers and Transport for London which is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking, and cannot be displayed by virtue of any other specified class benefits from deemed consent. It is considered that the sign was originally erected and displayed lawfully under the provisions of this class. The need for the express consent by the LPA arises because other messages from other organisations will be displayed.

5.2 Impact on Amenity

- 5.2.1 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.
- 5.2.2 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.
- 5.2.3 It should be noted that good design is fundamental to high quality new advertisements 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.”
- 5.2.4 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:-

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

5.2.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017). As already stated in section 5.1 of the report, policy D6 sets out criteria for the consideration of advertisements in relation to amenity. The criteria were quoted at paragraph 5.1.2 of the report.

5.2.6 Promenade Park is a non-designated heritage asset. According to policy D3, development proposals that affect a heritage asset will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest. When considering the impact of a proposed development on the significance of a designated heritage asset, the LPA will give great weight to the asset's conservation. Any harm or loss will require clear and convincing justification. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.2.7 The design of the advertisement is rudimentary as it is a digital sign which means its design is no different to a big black screen and will be internally illuminated. The sign, being located at the side of the main vehicular entrance of the park is optimizing the communication of information. It is considered that the design, materials and location of the sign are not detrimentally harmful to the character of the historic park despite its utilitarian and contemporary design which is conflicting with the traditional character of the park. Moreover, the prime location of the sign would minimise the need for additional advertising as this sign can accommodate a large number of advertising messages. It is not considered that the illumination of the sign is causing any detrimental harm to the amenity of the area in terms of visual amenity or light pollution.

5.2.8 It should be noted that the application is for an existing sign which could stay in the location lawfully if just the functional messages from the Council were to be displayed. Hence, the additional advertising messages would not be detrimentally harmful to the amenity of the area.

5.3 Public Safety

5.3.1 Factors relating to public safety, in this case, would be principally concerned with highway safety. Policy D6 of the LDP states that consent will only be given to signs

that respect the interest of public safety. 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.

- 5.3.2 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 sign is located adjacent to a one-way, low-speed road leading from Park Drive to the car parking of the Promenade Park. It is sited more than 300m away from the entrance of the park. It is considered that the advert is of a design which is simple, clear and legible, and in a position, so that it is unlikely to result in confusion or delay of passing traffic to the detriment of highway safety. It is, therefore, unlikely that any adverse impact on the public safety will be caused by the advertisement.
- 5.3.4 As already stated the application is for an existing sign. If the Council wished to display only messages in relation to its functions the sign would not have required expressed consent and could stay in the location anyway. Hence, the additional advertising messages would not be detrimentally harmful to the public safety.

5.4 Other Material Considerations

Planning balance

- 5.4.1 The advertisement is viewed in the context of the park and would be beneficial to businesses, the Council and its partners, and the members of public which would be receiving the information from the sign. No adverse effect has been identified to the character and appearance of the area or the highway safety, and the significance of the non-designated heritage asset would be preserved. Furthermore, the sign could remain if the Council wanted to display just functional messages. Overall, having regard to all material planning considerations, the advertisement is in line with local policies S1, S5, D3 and D6 of the approved LDP, the national policies contained in the NPPF and the guidance contained in the Maldon and Heybridge Central Area Masterplan SPD, the MDDG SPD and the Planning Practice Guidance.

6. ANY RELEVANT SITE HISTORY

- There is no relevant planning history

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	Noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>Object - on the basis of the harm which the sign causes to the character of the park as a non-designated heritage asset.</p> <p>Opened in 1885 the park has evolved the years but maintains something of its character as a Victorian park. Most of the new modern buildings and structures are broadly traditional in form and materials. The illuminated digital sign is quite an incongruous and garish feature at odds with the traditional character of the Victorian park. While the harm it causes is localised, it is made worse by the fact that it is one of the first things many visitors see.</p>	Comments noted. Please see section 5.2 of the report. It should be noted that the sign was installed on site lawfully and could remain on site without the need for advertisement consent by the Local Planning Authority if the Council would decide to display messages about its functions.

7.3 Representations received from Interested Parties

7.3.1 No representation was received for the application.

8. PROPOSED CONDITIONS

- 1 The express consent hereby granted shall be for a period of 5 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:
- 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
- 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 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 luminance levels of the advertisement should not exceed 600cd/m².
- REASON** To ensure that the development is carried out in accordance with the details as approved and to avoid any adverse impact to the amenity of the area or the public safety in line with policy D6 of the approved LDP.