



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

to
**CENTRAL AREA PLANNING COMMITTEE
13 NOVEMBER 2019**

Application Number	ADV/MAL/19/00935
Location	102B High Street, Maldon
Proposal	Application for advertisement consent for an externally illuminated fascia sign.
Applicant	Mr Robert Muca
Agent	C B S Cumbers
Target Decision Date	14.11.2019
Case Officer	Nicola Ward
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor C Mayes

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south side of the High Street sited within the Conservation Area of Maldon. The site is occupied by a single storey end of terraced building which was previously occupied by a retail outlet known as ‘The Fabric Shop’. The current use of the shop is for the sale and consumption of food and drink, although this use is unlawful and is subject of an enforcement investigation.
- 3.1.2 Advertisement consent is sought for one sign located on the front elevation. The sign is externally illuminated sign on the principal elevation facing the High Street. It comprises of a white render background with lager 3D chrome finished letters that project 40mm from the fascia. Each letter of the ‘Gelato’ wording measures 0.6m in height with a combined total width of 5.8m. Each letter of the ‘Venice’ and ‘Coffee’ wording measures 0.2m wide with a combined total height of 1.6m.
- 3.1.3 It is noted that the installation/alteration of the shop front is subject to an enforcement investigation

3.2 Conclusion

- 3.2.1 It is not considered that the size of the lettering, in particular the ‘Gelato’ lettering, respects the character of the site and detracts from the historic character of the Maldon Conservation Area. Furthermore, the modern style and chrome finish of the individual letters does not reflect the traditional character of the High Street and does not relate well to the character and appearance of the Maldon Conservation Area therefore, the signage is not in compliance with policies D1, D3 and D6 of the Maldon District Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D6 Advertisements
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards SPD
- Planning Practice Guidance (PPG)

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 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 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.
- 5.1.4 Generally, the principle of displaying an advertisement sign on businesses premises is considered to be acceptable.

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 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 advert is in proportion with the building it is located on and in keeping with the character and appearance of the area.

5.2.2 The application forms a re-submission of previously refused advert consent reference ADV/MAL/19/00491 the reason for refusal was:

‘The level, style and size of the signage has resulted in a cluttered and dominant advertisement that is considered to be an incongruous addition that detracts from the site and the wider character and appearance of the Conservation Area. The harm is exacerbated by the choice of materials. Therefore, the proposal does not preserve or enhance the character and appearance of the Conservation Area and is contrary to policies D1, D3 and D6 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’

5.2.3 Whilst it is noted that the arrangement of the subject lettering has been altered, the size and the modern chrome finish of the lettering has not been altered.

5.2.4 The individual letters which spell the word ‘GELATO’ are considered to be a dominant addition to the building which they are being displayed upon. The words ‘Venice’ and ‘Coffee,’ which have been altered to be displayed horizontal above and below the ‘Gelato’ lettering, are not considered to appear cramped or excessive. However, the modern style and chrome finish of the individual letters does not reflect the traditional character of the High Street and does not relate well to the character and appearance of the Maldon Conservation Area detracting from its historic character. Therefore, it is not considered that the materials, design or location of the signage respects the character and appearance of the surrounding Conservation Area.

5.2.5 It is noted that the building is a more modern addition and is not a particularly strong historical feature within the Conservation Area, but it is important to ensure that development does not detract from the special character of the Conservation Area. Unfortunately, it is considered that the modern materials and style of advertisement results in a detrimental impact on the character and appearance of the Conservation Area.

5.2.6 Whilst weight has been attributed to the comments made by the Conversation Officer, the decision to grant or refuse an advert consent application ultimately rests with the local planning authority taking into account all relevant planning considerations and not just the advice from one consultee.

5.2.7 It is considered that whilst the Conservation Officer’s comments are useful, having regard to the assessment carried out above, it is not considered that the signage respects the scale and character of the site and detracts from the historic character of the Maldon Conservation Area. For these reasons and based on the above assessment it is considered that it is reasonable for the Council to reach a differing conclusion to the Conservation Officer in this instance.

- 5.2.8 The sign is not considered to be appropriate for the area and are considered to cause demonstrable harm to the character and appearance of the Conservation Area, contrary to policies D1, D3 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.
- 5.3.3 The sign is sited on the principle elevation which affronts the highway however, the signage subject of this application is viewed in context with the other advertisements in the High Street and it is considered that the advert is located in a position which is not considered to result in the confusion or delay of passing traffic to the detriment of highway or public safety. Furthermore, the Highway Authority has not objected subject to the following condition:

'The proposed light sources shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway. Should a glare or dazzle issue to the highway be identified with the lights in use, the light should not be used until remedial action has been completed to the satisfaction of the Local Planning Authority.'

- 5.3.4 It is considered that the proposed condition is reasonable to ensure that the highway safety is maintained. Therefore, the advert is in accordance with policies D6 and T2 of the LDP

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/02/01160** – Replacement of shopfront – Approved
- **FUL/MAL/04/01208** - Replace shop front – Approved
- **FUL/MAL/05/00638** - Provision of coffee facility within existing retail premises to be used in conjunction with and times when existing retail use is open for business. - Application Refused – Appeal withdrawn
- **ADV/MAL/19/00491** - Application for advertisement consent for an externally illuminated fascia sign. – Refused
- **FUL/MAL/19/00492** - Section 73A application for the replacement shopfront and change of use from class A1 to use class A3 - Refused – Appeal in progress

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend Refusal	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
County Highways	No objection subject to condition	Comments noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	I do not object to this proposal. While the materials and scale of the applied lettering does not reflect the overall traditional character of the High Street, the signage does not appear inappropriate on this clearly modern building. The overall design has a striking but high-quality appearance, which does not detract from the special character and appearance of the Maldon Conservation Area. The proposal does not, in my judgement, conflict with the requirements of section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF or Policy D3 of the Maldon LDP. I therefore raise no objection to this proposal subject to the following condition should the application be approved.	Comments noted and addressed in section 5.2 of this report.

7.4 Representations received from Interested Parties

7.4.1 No representations were received for this application.

8. PROPOSED REASON FOR REFUSAL

Reason for Refusal:

1. The style and size of the signage has resulted in a dominant advertisement that is considered to be an incongruous addition that detracts from the site and the wider character and appearance of the Conservation Area. The harm is exacerbated by the choice of materials. Therefore, the proposal does not preserve or enhance the character and appearance of the Conservation Area and is contrary to policies D1, D3 and D6 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.