



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
15 AUGUST 2016**

Application Number	ADV/MAL/16/00723
Location	East End Road, Bradwell-on-Sea
Proposal	Advertisement Consent for Visitor information / interpretation point
Applicant	Mr Jack Ellum - Maldon District Council
Target Decision Date	22.08.2016
Case Officer	Kara Elliott
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Applicant is Maldon District Council

1. RECOMMENDATION

GRANT:

Advertisement:

- 1 x Non-Illuminated Visitor Information Sign

Subject to the conditions and reasons set out in Section 8 of this report.

2. SITE MAP

Please see overleaf.

The map shows the Eastlands area with various buildings and features. A red rectangle highlights a specific area on the road. A scale bar at the bottom right indicates distances from 0 to 0.1 km.

Labels on the map include:

- Silo
- East Hall Farm
- Pond
- EASTEND ROAD
- 10.1m
- Eastlands Cottage
- 9.8m
- Linnetts
- 8.5m
- Eastlands
- Pond
- Jenkins Cottage

Scale bar: 0 0.025 0.05 0.1 KM



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Malden District Council 100018588 2014

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 16/00723/ADV
Date:	03/08/2016
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located at the end of East End Road which leads to the Chapel of St Peter-on-the-Wall. The proposed advertisement would be located close to the existing timber entrance gates to the track leading to the chapel, within an informal car parking area.
- 3.1.2 The application is brought to the South East Area Planning Committee for consideration as the applicant is Maldon District Council.

3.2 Conclusion

- 3.2.1 The proposed advertisement consisting of a non-illuminated visitor information/interpretation point is not considered to result in any public safety issues, be visually obtrusive, nor cause harm to the setting of the nearby listed building, in compliance with policies BE9 and BE11 of the adopted Maldon District Replacement Local Plan and submitted policies D6 and D3 of the Local Development Plan as well as the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 67, 68

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE9 Advertisements
- BE10 Display of advertisements remote from the site being advertised

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D3 Conservation and Heritage Assets
- D6 Advertisements

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Advertisements are controlled with reference to their effect on amenity and public safety only in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- 5.1.2 The NPPF and National Planning Policy Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of a built and natural environment and on public safety.
- 5.1.3 The main policies when assessing this proposal is policy BE9 and BE10 of the adopted Maldon District Replacement Local Plan. Policy BE9 stipulates that consent will only be given to signs that respect the interest of public safety and amenity. The requirements of these policies are as follows;

BE9 - Advertisements

- (a) Advertisements will only be permitted if they are well designed and located so as not to detract from the area in which they are situated;
- (b) Proliferation of signs advertising a single site or enterprise will not be permitted;
- (c) Signs and advertisements should relate to the scale and character of the building in which they are located;
- (d) Consent for signs to be illuminated will be considered in relation to the visual impact and functional need. Such advertisements will not be permitted in residential area.

BE10 - Display of advertisements remote from the site being advertised

The display of advertisements on sites that are remote from the location of the business being advertised will not be permitted unless the District Council is satisfied that:

- 1. The need overrides any detriment to amenity; and
- 2. The siting and design of the sign adequately reduces any harm to the amenity of the area.

- 5.1.4 Due to the application site being located close to Listed Buildings, including the Grade 1 Listed Chapel, it is necessary to consider policy BE11 of the RLP which states that;
 - 1. Consent will only be given to signs using materials appropriate to the building, location of the building and use of the building. Where applied lettering or symbols are used the lettering or symbols shall have a three-dimensional quality;
 - 2. Internally illuminated signs will not be permitted.
- 5.1.5 Paragraph 67 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

- 5.1.6 The principle of displaying the proposed advertisement is considered to be acceptable. The application is assessed against material planning considerations, including the previously mentioned policies and guidance, in detail in the following sections of this report.

5.2 Public Safety

- 5.2.1 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.
- 5.2.2 The vital consideration in assessing an advertisement's impact is whether the advertisement, or the location proposed for 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.
- 5.2.3 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.
- 5.2.4 It is considered that the design of the non-illuminated advert proposed is of a nature which is simple, clear and legible and is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety. Furthermore, the proposed advertisement is to be sited in a remote location with very little vehicle movements.
- 5.2.5 The positioning of the advertisement, which will be visible from the highway, is not considered to result in the confusion or delay of traffic to the detriment of highway safety. The Highways Authority has also been consulted and raises no objection to the proposed advert.

5.3 Impact on Character & Appearance of the Area/Conservation Area and Setting of Listed Building

- 5.3.1 Policy BE10 of the RLP states that free-standing advertisements not attached to a building will only be permitted if the District Council is satisfied that it does not harm the appearance of the area.
- 5.3.2 In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual and aural amenity in the immediate neighbourhood 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.
- 5.3.3 With regard to the character of the area, the application site is located within an area of flat, low-lying drained marshland behind the sea wall is at the tip of the Dengie Peninsula where it juts out into the Blackwater Estuary. The area includes the ancient St Peter-on-the-Wall Saxon church. It is a remote landscape, with access for vehicles limited to one B-road; and access to the sea wall only on foot. The specific location

of the proposed advisement is at a remote location on a private track which leads visitors to the historic Chapel of St Peter-on-the-Wall.

5.3.5 The proposed advertisement consisting of an information board measuring a total of 1.5 metres high and approximately 2 metres wide is considered to be sympathetic to the character of the area and would not include harmful illumination in this location. The proposed advertisement is not considered to result in the loss of visual amenity and is not visually intrusive.

5.3.6 Furthermore, the proposed advertisement is not considered to detract from the setting of the important heritage asset of the Grade 1 Listed Chapel nor to nearby residential Grade II Listed buildings. No harm will be caused to the setting or significance of any heritage assets. Furthermore, the content of the display board will positively promote the heritage of the area.

5.3.7 Due to its appropriate location next to the access gate, its use as a visitor aid and its small scale, it is considered that the proposed advertisement would not detract from the character and appearance of the area and is in compliance with policies BE9 and BE10 of the adopted Maldon District Replacement Local Plan and submitted policies D6 and D3 of the Local Development Plan as well as the National Planning Policy Framework.

6. ANY RELEVANT SITE HISTORY

6.1 None.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell-on-Sea Parish Council	Supports	Noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No objection	Noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Supports	Noted

7.4 Representations received from Interested Parties

7.4.1 None received

8. PROPOSED CONDITIONS/REASONS FOR REFUSAL

GRANT:

Advertisements;

- 1 x Non-Illuminated Visitor Information Sign

Subject to the following conditions:

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 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:-
 - (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.
- 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.

REASONS: 1 - 6: These conditions are imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements)(England) Regulations 2007.