REPORT of
INTERIM HEAD OF PLANNING SERVICES

to
CENTRAL AREA PLANNING COMMITTEE
25 January 2017

<table>
<thead>
<tr>
<th>Application Number</th>
<th>ADV/MAL/16/01247</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>151 High Street Maldon Essex CM9 5BS</td>
</tr>
<tr>
<td>Proposal</td>
<td>Advertisement consent for 1no. non illuminated projecting sign and 1no. externally illuminated fascia sign with oak surround.</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr B Rencber</td>
</tr>
<tr>
<td>Agent</td>
<td>Terence Wynn</td>
</tr>
<tr>
<td>Date Valid</td>
<td>24 November 2016</td>
</tr>
<tr>
<td>Target Decision Date</td>
<td>19 January 2017</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Spyros Mouratidis, TEL: 01621 875841</td>
</tr>
<tr>
<td>Parish</td>
<td>MALDON NORTH</td>
</tr>
<tr>
<td>Reason for Referral to the Committee / Council</td>
<td>Parish Trigger</td>
</tr>
</tbody>
</table>

1. **RECOMMENDATION**

**GRANT ADVERTISEMENT CONSENT** subject to the conditions 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 on the north-east side of the High Street and is within the settlement boundary, the Conservation Area and the Town Centre boundary of Maldon. The property forms part of a row of shops with first floor accommodation above, which is a predominant feature in this area of the High Street.

3.1.2 Advertisement consent is sought for the following signs:

- Advertisement 1 – One (1) externally illuminated plastic (Perspex) sign with oak frame, with blue and red letters on a white background. The sign would be displayed 2.2m above the ground level and would measure 3140mm wide by 450mm high. The illumination is proposed to be achieved with a tubular lighting.

- Advertisement 2 – One (1) sign non-illuminated, made of metal with white letters on a red background, measuring 0.3m by 0.3m and being displayed at 2.3m above ground level.

3.1.3 It should be noted that the application is not to regularise the sign currently on site. The proposed signage would replace the unlawful signs currently displayed on site.

3.2 **Conclusion**

3.2.1 It is considered that, on balance, the proposed signage would preserve the character and appearance of the conservation area and the site and would respect the interest of public safety. It is therefore considered that the proposed advertisement is in accordance with saved policies BE9 and BE11 of the Maldon District Replacement Local Plan, emerging policies D3 and D6 of the submitted Local Development Plan and guidance contained within 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:**

- 56-68 Requiring Good Design
- 126-141 Conserving and enhancing the historic environment

4.2 **Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE9 Advertisements on Buildings
- BE11 Advertisements on Buildings in Conservation Area

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
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 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 built and natural environment and on public safety.

5.1.2 The main policies when assessing this application are policy BE9 and BE11 of the adopted RLP and policy D6 of the submitted LDP. Policy BE9 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

5.1.3 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.

- Proliferation of signs advertising a single site or enterprise will not be permitted.
- Signs and advertisements should relate to the scale and character of the building in which they are located.
- 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 areas.

5.1.4 Policy BE11, in addition to the previous criteria states that:

- 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;
- Internally illuminated signs will not be permitted.

5.1.5 Similarly the criteria set in policy D6 state:

- 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, road safety and functional need. Internally illuminated signs will not be permitted where a listed building or a conservation area is affected. Illuminated signs will not be permitted in residential areas;

• Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where the need for the advertisement clearly overrides any detriment to local amenity; adequate measures must then be put in place to reduce any potential harm to the amenity of the area

5.1.6 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.

5.1.7 As the proposal seeks consent in order to display signage within an existing commercial site, it is considered that the principle is acceptable. Other material considerations are discussed below.

5.2 Impact on the Character of the Area

5.2.1 The application site is part of the Conservation Area of Maldon. A Conservation Area is an area of special architectural interest, with a character or appearance which is considered desirable to enhance or preserve. According to policies BE11 of the RLP and D3 of the submission LDP any proposal within a conservation area requires clear and convincing justification and can only be considered acceptable if it would not harm the building, its settings and any feature that contributes to the special architectural or historic interest or the benefits from the proposal overwhelmingly outweigh the loss or harm.

5.2.2 In assessing the impact 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.

5.2.3 With regard to the character of the area, the application site is located within Maldon Conservation Area as mentioned previously. A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character derives from a range of factors including the design of the buildings as well as the materials used.

5.2.4 The Maldon Conservation Area Review and Management Plan (2006) observes that the lower part of the High Street is “a curious mixture of agreeable old buildings, some a little neglected, and unsatisfactory 20th-century buildings which contribute
nothing to local character or the street scene”. No. 151 occupies part of the King George’s Parade, a Modernist red brick building, designed by David E. Nye in 1934-5 and falls within the latter category. There is, however, the potential for the negative impact which this building has upon the character of the conservation area to be amplified by unsympathetic alterations.

5.2.5 In terms of detracting from the area, the proposed signs would be viewed in context of the application site and would represent signage in-line with the permitted intended use of the application site. The proposed illumination would not affect the character of the area in any negative way. When taking into account the lawful advertising, historically taking place on site, it is considered that the proposed signage would not increase the level of advertisement. It is not considered that the proposed advertisements would result in demonstrable harm to the character or appearance of the commercial locality or a proliferation of advertisement. Furthermore, the scale and proportions of the proposed signage are not considered to be disproportionate to the size of the site or the main restaurant building.

5.2.6 In relation to the proposed materials, it is considered that Perspex is not an appropriate material for the conservation area. Nevertheless, this part of the conservation area is dominated by more modern buildings. As stated previously, No.151 is a modernist building which is not contributing to the special architectural and historical interest of the conservation area. Therefore, the proposed material would not be in conflict with the character and appearance of the building. In addition, the external illumination coupled with the oak frame would soften the modernist appearance of the signage and as such it is considered that, on balance, the character and appearance of the area would be preserved.

5.2.7 The proposed signage would not be visually obtrusive and it is considered that, on balance, it would preserve the character and appearance of the conservation area.

5.3 Effect on Public 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 It is considered that the design of the adverts themselves 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. In addition, the design is considered to aid traffic by directing them to their destination.

5.3.4 The positioning of the advertisements which are visible from the highway, are not considered to result in the confusion or delay of passing traffic to the detriment of
highway safety. A condition shall be imposed to control the illumination of signs if advertisement consent is to be granted.

5.3.5 Therefore, subject to conditions, no conflict would arise with saved policy BE9 of the RLP or policy D6 of the submitted LDP.

6. **ANY RELEVANT SITE HISTORY**

- 15/01374/ADV - Shop signage - REFUSED (01.03.2016)
- 16/00340/ADV - Retention of the existing shop signage - REFUSED (26.05.2016)
- 16/00851/ADV - Advertisement consent for one (1) externally illuminated fascia sign, three (3) non-illuminated fixed vertical signs, one (1) internally illuminated projecting sign and one (1) non-illuminated projecting sign. REFUSED (12.09.2016)

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

<table>
<thead>
<tr>
<th>Name of Parish / Town Council</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maldon Town Council</td>
<td>insufficient information provided for the design and colour of the signage</td>
<td>All the necessary information has been included in the application form or the submitted plans.</td>
</tr>
</tbody>
</table>

7.2 Statutory Consultees and Other Organisations *(summarised)*

<table>
<thead>
<tr>
<th>Name of Statutory Consultee / Other Organisation</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essex County Highways</td>
<td>No objections subject to condition about the level of luminance</td>
<td>noted</td>
</tr>
</tbody>
</table>

7.3 Internal Consultees *(summarised)*

<table>
<thead>
<tr>
<th>Name of Internal Consultee</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>No comment</td>
<td>noted</td>
</tr>
</tbody>
</table>

8. **PROPOSED 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); or
   (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.

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

7 The light source shall be positioned or shielded so that no impairment of vision will affect the users of the public highway.

   REASON: To minimise the effect of the advertisement upon the public safety.

8 The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 600 Candelas per square metre (600cd/m2)

   REASON: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

9 Prior to the display of the advertisements hereby granted consent, the existing advertisements comprising of three vertical signs, one internally illuminated fascia sign, one internally illuminated hanging sign and one unilluminated hanging sign shall be permanently removed from the site.

   REASON: To remove the unlawful signs from the site and to avoid proliferation in order to minimise the effect of the advertisement upon the character and appearance of the area. The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.

INFORMATIVES
1. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging or adjacent to the highway which is considered to be an obstruction or a hazard to the safe and convenient passage of the public in the highway.

2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.