



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

to
**CENTRAL AREA PLANNING COMMITTEE
22 MARCH 2017**

Application Number	ADV/MAL/17/00075
Location	Tesco, Fullbridge, CM9 4LE
Proposal	Advertisements related to ANPR cameras and associated signs at Tesco car park
Applicant	Tesco Store Ltd
Agent	Mrs. Mariana Benitez Rickmann
Date Valid	2 February 2017
Target Decision Date	30 March 2017
Case Officer	Hilary Baldwin, TEL; 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

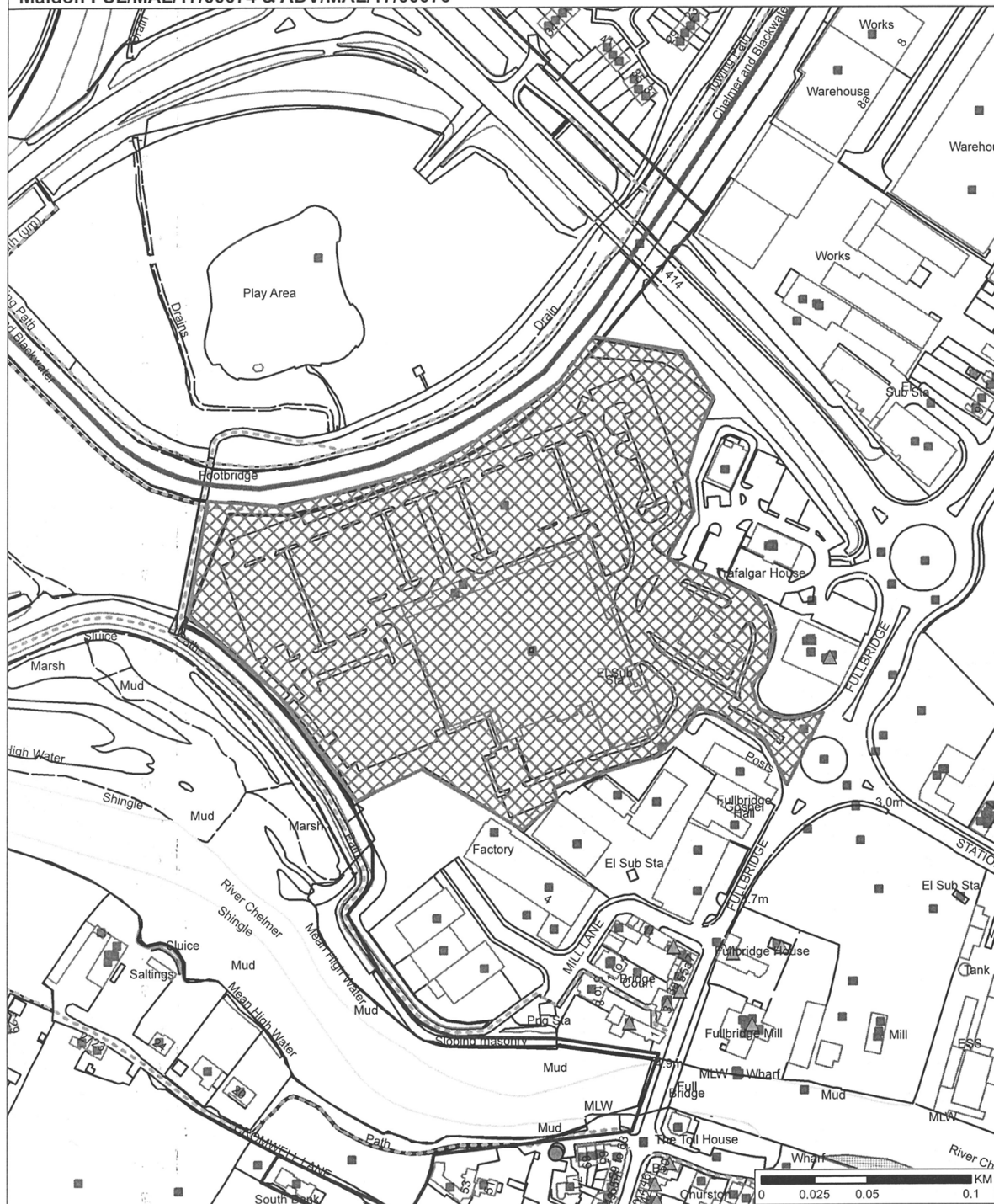
SPLIT DECISION: For the reasons as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

Tesco - Fullbridge

Maldon FUL/MAL/17/00074 & ADV/MAL/17/00075



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Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 10/03/2017

MSA Number: 100018588

3. SUMMARY

3.1 **Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is within the settlement of Maldon and is occupied by a large retail store (Tesco) and associated petrol filling station and shopper parking facilities. In addition there is a “Click and Collect” facility and car wash located on the western side of the site. The eastern side of the site adjoins the roundabout with Fullbridge and Station road and is the primary vehicle access into the complex. Neighbouring site to the east and south comprise a mix of fast food outlets, offices, industrial and workshop facilities.
- 3.1.2 The site lies to the north of the Chelmer and Blackwater Navigation Conservation Area which effectively wraps around the site. The site does not fall within the Conservation Area but is within the defined settlement boundary. A public footpath is located on western boundary adjacent to the river estuary and is elevated above the car park and store building. Additionally a towpath is located on the northern boundary with views directly into the car park.
- 3.1.3 The proposal seeks advertisement consent for a total of 36 advertisements. These are directly associated with the proposed customer car parking restrictions within the site and in relation to 2 (two) Automatic Number Plate Recognition (ANPR) cameras under consideration through FUL/MAL/17/00074. The advertisements comprise two styles; one, a main sign upon entry with the remainder being a smaller sign board located in numerous locations around the car park. Details of the sign boards are as follows:

	Width of Sign	Height of Sign	Total Height above ground
Main Entry Board Sign	1250mm	860mm	1360mm
Post Signs	600m	800mm	2800mm

- 3.1.4 The main entry sign would be located adjacent to the primary vehicle entrance at the east of the site whilst the post signs are located in various positions around the car park area. These signs would be as follows:

		Colour Code on Submitted Plan
Back to Back signs on Existing Posts	7 (14)	Yellow
Single signs on Existing Posts	13	Red
Single signs on New Posts	13	Green
Wall Signs on western elevation	2	Purple

of main store		
Total Locations	35 (42)	

3.2 Conclusion

- 3.2.1 In terms of the Main Entry sign board, this individual board is considered acceptable and to comply with the policy criterion. However, the number of proposed post signs and in conjunction with the existing high level of post signs, are considered overly dominant within the car park, resulting in an excessive proliferation of signage to the detriment of the site and the adjoining Conservation Area. Whilst the individual signs themselves are not considered contrary to policy criteria for design or size, the volume of post signs in conjunction with the existing signs within the car park would result in visual clutter and which, due to their siting at high level above car height would be highly visible both within the site and from views from the adjacent Chelmer and Blackwater Conservation Area.
- 3.2.2 It is therefore recommended that advertisement consent is granted for the main entry sign board, and that advertisement consent is refused for the 35 post signs and the associated additional posts. A split decision is therefore recommended.

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:

- 14, 67

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 Design of New Development and Landscaping
- BE9 Advertisements on Buildings
- 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:

- D1 Design Quality and Built Environment
- D6 Advertisements

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 In order to determine if the proposal for advertisement consent is acceptable, the proposal must be assessed against the requirements of policy BE9 and also have

regard to emerging policy D6 of the LDP which confirms the direction of travel for the Council in terms of the District wide position for advertisements. The NPPF also provides additional guidance on advertisements, recognizing at paragraph 67 that poorly placed adverts can have a negative impact on the appearance of a built and natural environment. The paragraph goes on to confirm that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. This is reflected in the current local plan policy BE9 and also policy D6 of the submitted LDP.

- 5.1.2 Policy BE9 states that consent will only be given for the display of advertisements that respect the interests of public safety and amenity subject to four criteria. With regard to amenity, the preamble to policy BE9 states at paragraph 6.44 that *“The legislation controlling the display of advertisements strikes a balance between the need of commerce to advertise and the need to protect the visual amenity of the area.”* Paragraph 6.45 of the preamble provides guidance on appearance of the advertisements in terms of being well proportioned and not dominant in relation to the elevation on which it is displayed, suitable lettering size and type and need to avoid clutter. Paragraph 4.46 of the preamble refers to the suitability of materials for the advertisements proposed. It is noted that the need for good design for all new development is also reflected in policy BE1 of the local plan.
- 5.1.3 The four criteria of Policy BE9 and relevant assessment are as follows:
- 1 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
- 5.1.4 The proposed advertisements are considered to be of an acceptable design reflective of the existing use of the building and follow corporate design standards recognizable with the authorized use of the building by a major food retailer.
- 5.1.5 In terms of location, the main entry sign is considered to be in a relevant location and fit for purpose both in terms of its siting and visual amenity.
- 5.1.6 The post signs would, with the back to back signs total 40 new sign boards on existing and new posts. The existing car park already contains numerous directional and parking signs. Seven (7) of the new posts would be located directly adjacent to the boundary of the site.
- 5.1.7 The car park is already a visually busy environment with a proliferation of instructional and directional signs and it is considered that a further 40 sign boards would visually detract from the area. Whilst it is acknowledged that advertisements can form an important part of a commercial development, the excessive number together with the existing signage will create a cluttered and visually damaging environment. The signs, by their very nature would be required to be sited above car height which further exacerbates their impact upon the public realm and street scene. Furthermore, the site perimeter and land immediately adjacent to the site (specifically the carpark) is predominantly a public footpath and towpath and located within the Chelmer and Blackwater Conservation Area. This area and its soft landscaped boundary marks a gradual transition between the site and its setting. The additional posts and signs on this boundary would be highly visible from outside the site, resulting in the visual clutter extending beyond the confines of the carpark.

5.1.8 The NPPF at paragraph 67 clearly states that poorly placed adverts can have a negative impact on the appearance of the built and natural environment and that advertisements should be subject to control in terms of interests of amenity, taking into account the cumulative impact.

2 Proliferation of signs advertising a single site or enterprise will not be permitted.

5.1.9 The proposal seeks a total of an additional 43 signs in total when counting the back to back signs individually. This number of signs is considered excessive and visually overwhelming. Whilst it is acknowledged that the content of the signs may be required for the purpose of commercial enterprise and customer advice, this should not be to the detriment of visual amenity.

5.1.10 Within paragraph 6.45 of the preamble to policy BE9, it states that all advertising is expected to respect basic design criteria and avoid clutter and repetition. These additional signs together with the existing signs are considered to result in a confusion of information and chaotic appearance.

3 Signs and advertisements should relate to the scale and character of the building on which they are located

5.1.11 In terms of the scale of the advertisements all are considered commensurate with the size and scale of the building on which they would be sited. In terms of character, the estate is not considered to be of any particular architectural merit and in this regard the proposed advertisements would not appear out of character when viewed singularly or within a significantly smaller quantity.

4 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.

5.1.12 It is not intended to illuminate the advertisements. Therefore the proposal complies with this element of the policy criterion.

5.2 Highway Safety

5.2.1 The position of the proposed advertisements is a relevant and it should be clear that no harm would result in terms of highway safety. In this instance, the Highway Authority has not objected to the proposal on highway safety grounds. The positioning of the advertisements is not considered to result in any material harm to road users in terms of highway safety. Therefore, no conflict would arise with policy T2 of the LP or submitted policy T2 of the LDP.

5.3 Other Consideration

5.3.1 It is noted that this submission and the corresponding application for the installation of 4m poles and ANPR cameras has attracted a significant quantity of public attention. This is in relation to the potential 3 hour restriction for customer parking by the retailer at the site and the implications of this for the previously required parking

bays for public parking in conjunction with the use of a “park and ride” facility into the wider area of Maldon and Heybridge. Notwithstanding the potential implications of this, the current application must be assessed upon its own merits and consideration against relevant adopted local and national policy. However, from research undertaken into the planning history of the site, the four hour limitation was required through legal agreements agreed and signed in conjunction with successive planning applications. Therefore, any decision taken by the local planning authority for this advertisement consent and the associated planning application to install ANPR cameras (referenced earlier in this report), would not be contrary to any planning condition appended to previous grants of permission, but would be conflicting with the relevant legal agreements.

- 5.3.2 It is noted that the Town Council support the application subject to there not being a condition already in place that allows unlimited parking for residents and visitors, if such a condition exists. As the current application is for advertisement consent this analysis is not relevant to this application and will be undertaken within the submission for planning permission for the ANPR cameras.
- 5.3.3 The proposal has attracted letters of representation, comment and public interest in relation to the potential loss of parking bays for the park and ride facility from this car park and the potential restriction of parking to 3 (three) hours. However, as stated within paragraph 5.3.2 above, this assessment is not relevant for assessment through advertisement consent and will be addressed within the relevant planning application for the ANPR cameras submitted in conjunction with this submission.
- 5.3.4 It is noted that both the Council’s Conservation Officer and Urban Design Officer do not object to the proposal and comment that it would not impact upon the Central Area Action Plan or the adjacent Conservation Area. Notwithstanding this, as detailed above, the excessive proliferation of signs is considered to result in significant detrimental visual impact both within the site and views from the adjoining Conservation Area. Furthermore, it is noted that the Central Area Action Plan has not been adopted and is only at a draft stage.

6. ANY RELEVANT SITE HISTORY

- ADV/MAL/99/00227 - Proposed non illuminated car parking signs. ADVA 29.04.1999.
- ADV/MAL/01/01142 - Internally illuminated signage. Part Approved Part Refused 11.02.2002.
- ADV/MAL/01/01144 - Internally illuminated signage at petrol filling station, kiosk and canopy fascia. Refused 11.02.2002.
- ADV/MAL/02/00025 - Two gantry signs relating to adjacent supermarket and petrol filling station. Withdrawn 21.02.2002.
- ADV/MAL/02/00179 - Install internally non-illuminated canopy signs and internally illuminated fascia sign to petrol filling station. Refused 14.05.2002. Appeal Allowed 09.12.2002.

- ADV/MAL/02/00180 - Install 2 no. internally illuminated gantry signs relating to adjacent supermarket and petrol filling station. Refused 14.05.2002. Appeal Allowed 09.12.2002.
- ADV/MAL/02/00181 - Install 7 no. internally illuminated signs to supermarket building. Approved 10.05.2002.
- ADV/MAL/08/00219 - Continued display of two gantry signs (Renewal of advertisement consent ADV/MAL/02/00180). Approved 11.04.2008.
- ADV/MAL/10/00139 - Car park signage. Refused 27.04.2010.
- ADV/MAL/10/00140 - Replacement gantry signs. Approved 15.04.2010.
- ADV/MAL/10/00141 - Re-branding of petrol filling station canopy and kiosk. Approved 15.04.2010.
- ADV/MAL/10/00142 - Main building elevation signage. Approved 15.04.2010.
- ADV/MAL/10/00375 - Car park signage. Part Approved Part Refused 01.07.2010.
- ADV/MAL/12/00499 - Proposed signage to Click & Collect facility and the retention of existing signs. Part approved part refused 23.08.2012.
- ADV/MAL/12/00798 - Proposed signage to Click & Collect facility. Approved 20.12.2012.
- ADV/MAL/13/01158 - Installation of advertisements for proposed dry cleaning, key cutting, shoe & watch repairs pod to Class 1 retail premises. Refused 21.02.2014
- ADV/MAL/14/00266 - 2no internally illuminated fascia signs. Refused 24.07.2014
- ADV/MAL/14/00808 - Car park directional signage, tablet signs, window vinyls, gantry signs and AMT signage. Part allowed/Part refused 11.12.2014

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

a. Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support: The Town Council recommends approval subject to there not being a condition already in place that allows unlimited parking for residents and visitors (if such a condition exists).	These points have been addressed within the report

b. External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments of the Highway Authority are noted

c. Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection or Comment	The comments of the Environmental Health Service are noted
Conservation Officer	No Objection The development will not cause harm to the character, appearance setting or significance of the adjacent Conservation Area	The comments of the Conservation Officer are noted
Urban Design Officer	No Objection The proposal does not impact on the content of the masterplan. There is no comment on the proposal	The comments of the Urban Design Officer are noted

d. Representations received from Interested Parties (*summarised*)

7.1.1 Letters were received objecting to the application from the following and the reasons for objection are summarized as set out in the table below:

- The Maldon Society. 12 The Courtyard, Spital Road, Maldon
- Mr. & Mrs. Elliston. 28 Woodham Drive, Hatfield Peverel, CM3 2RR

Objection Comment	Officer Response
<p>Installation of CCTV may be uncontroversial but intention is to restrict public parking in the site. As previous permissions were granted on the basis that there would be unlimited public parking for park and ride facility this must be rejected.</p> <p>1 Central Area Plan states that proposed Park and Ride facility at other end of town should complement these</p> <p>2 Alternative sites for parking are now limited and reduced by other developments</p> <p>3 The financial resources of MDC to purchase alternative car parking has been</p>	<p>The comments have been noted and addressed within the report</p>

Objection Comment	Officer Response
<p>severely affected.</p> <p>4 Were figures of 3 hours ever included in the park and ride conditions?</p> <p>5 Due to geography and retail provision in disparate locations 5 hours should be the minimum</p> <p>6 The park and ride conditions did not assume all those parking were Tesco customers. Tesco customers should be excluded from the Park and Ride provision</p> <p>7 By observation, the car park is never totally full</p> <p>8 Now is not the time to change parking provision in Maldon</p> <p>9 The committee should decide if the cameras are for crime prevention</p> <p>The proposal is contrary to the S106 agreement made with MDC</p> <p>Whilst it is noted this may stop Lidl customers parking this would stop traffic movements.</p>	

8. **PROPOSED CONDITIONS AND REASONS FOR REFUSAL**

Part Approve and Part Refuse

APPROVE Main Entry Sign Board

Shown on drawing ref: B349_001, Dated January 2017 and annotated as Main Entry sign x 1.

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.

REFUSE Sign Boards

Shown on drawing ref: B349_001, Dated January 2017.

For the following reason:

1. The sign board advertisements, due to excessive proliferation, are visually intrusive to the locality, resulting in a cluttered street scene with excessive signage, adversely and demonstrably causing harm to the character and appearance of the site and failing to preserve or enhance the special character and appearance of the Maldon Conservation Area, contrary to policies BE9 and BE11 of the Maldon District Replacement Local Plan, policies D3 and D6 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.