



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

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	ADV/MAL/17/00190
Location	Splendid Hand Car Wash Maldon Road Woodham Mortimer Essex CM9 6TF
Proposal	Application for advertisement consent for 3No. fascia signs.
Applicant	Mr Handi Neziri
Agent	Mr Graham Waller - GJW Design Ltd
Target Decision Date	21.04.2017 – E.o.T. 19.05.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Parish Trigger

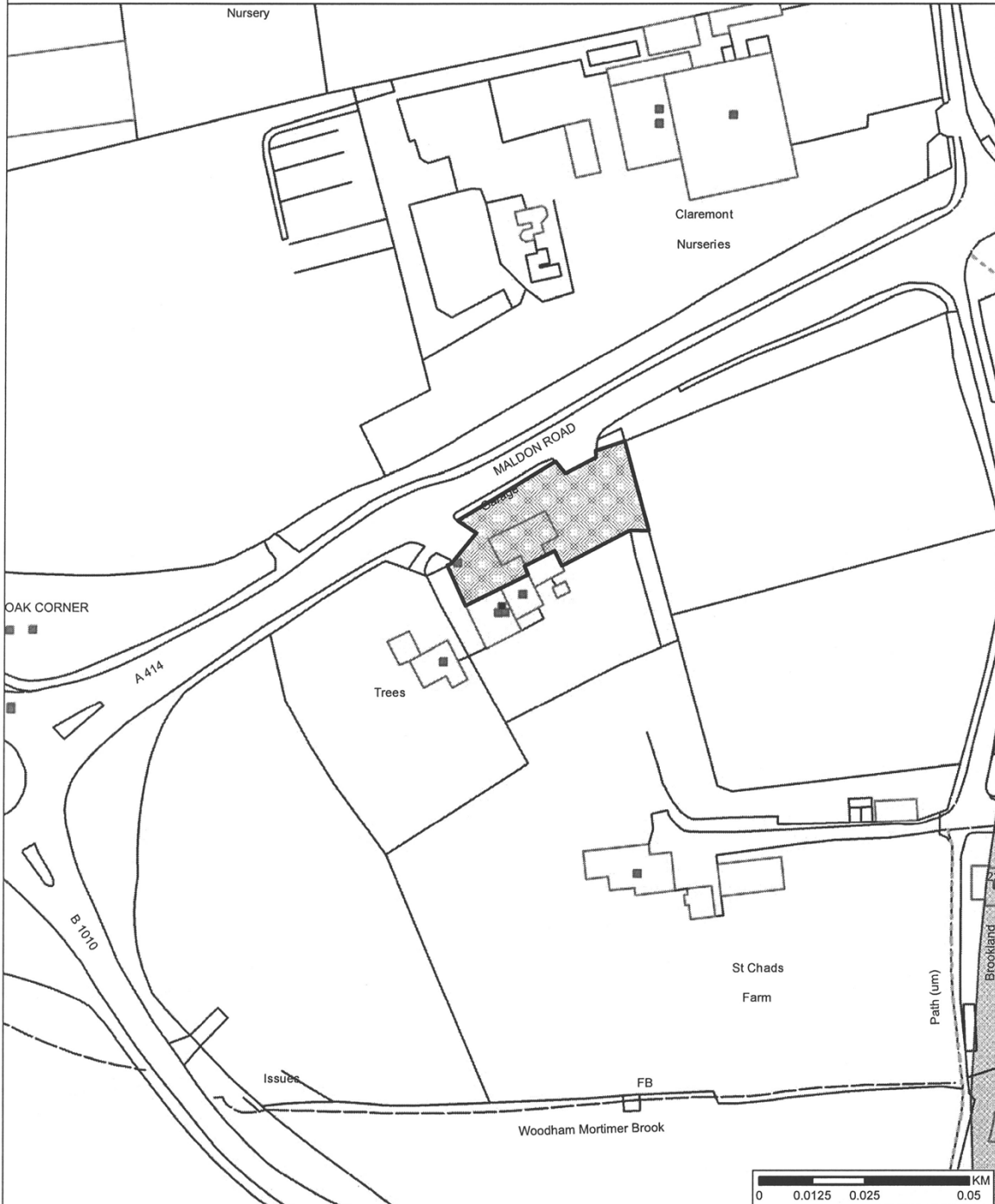
1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Splendid Hand Car Wash, Maldon Road, Woodham Mortimer
ADV/MAL/17/00190



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00190
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Maldon Road, approximately 100 metres to the east of Oak Corner roundabout. It is located outside of any defined development boundary, and is within a Special Landscape Area.
- 3.1.2 The site was formerly a petrol filling station. The current use of the site is as a hand car wash. The pumps and tanks have been removed from the site, although the original forecourt canopy remains. The application site comprises a building (used as a waiting room), a sales office immediately to the east side of this building. To the rear and both sides of the site are other buildings and hardstanding within the ownership of the same landowner but separate to the applicant's interest.
- 3.1.3 There are two accesses onto Maldon Road. The access located on the north eastern boundary (opposite Claremont Nurseries) is used for vehicles entering the site, and the access located on the northwest (adjacent to the residential property known as 'Trees') is used by vehicles exiting the site.
- 3.1.4 With the submitted application advertisement consent is sought for three signs mounted on an existing totem style galvanized post frame. It is proposed the frame to be reduced in total height from 6m to 4.6m. The signs would be displayed on top of each other with the one closer to the ground being displayed at 1.6m above ground level and the one later being displayed at 3.5m from the ground level.
- 3.1.5 The signs would be 1.45m wide, would have dark blue text not exceeding 150mm in height on a yellow background and would be made of marine ply base with plastic face and vinyl letters. Signs (1) and (2) displayed on the upper part of the post would measure 1m high while sign (3) on the lower part of the post would measure 0.75m high. No illumination is proposed.

3.2 Conclusion

- 3.2.1 On balance, it is considered that the proposed signage would not harm the character and appearance of the area or the site and would respect the interest of public safety. It is therefore considered that the proposed advertisement is in accordance with saved policy BE9 of the Maldon District Replacement Local Plan, emerging policy 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:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56 - 68 Requiring Good Design

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE9 Advertisements on Buildings

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

- 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 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 NPPG also provide 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 proposal is policy BE9 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:

- 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 areas.

5.1.3 Similarly the criteria set in policy D6 are:

- a. 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;
- b. Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;
- c. 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;

- d. 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.

5.1.4 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.

5.1.5 It is considered that the signage is, on balance, in keeping with the character and appearance of the site and their design is appropriate. Further analysis on this issue can be found on section 5.2 of the report. The current level of advertisement is lesser than the one previously on site and as such there is no proliferation. It is considered that the signage relates well to the scale and character of the existing development on site and finally the proposed signage would not be illuminated. Therefore, it is considered that the proposal is compliant with policy in principle. Other material considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual and aural amenity in the immediate locality 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.

5.2.2 In terms of detracting from the area, the signage is viewed within the context of the application site and would represent advertisement in-line with the permitted intended use of the site as a car wash. No illumination is proposed and as such the proposal would not cause any nuisance on this respect. Whilst relatively large and dominant in nature, on balance, the signage is considered to be of an appropriate scale and size for the location that it is displayed. It is not considered that three signs attached on one single structure of this size would result to a cluttered street scene, excessive signage or proliferation of signs advertising a single enterprise. Whilst concerns have been raised about other advertisements on site advertising the hand car wash, these adverts benefit from deemed consent.

5.2.3 It has to be noted that the site was originally a petrol station. The canopy erected for these purposes remain on site and is used by the car wash. The metal post structure, on which the proposed advertisements will be mounted, was originally used as a typical illuminated totem sign for the petrol station business. Hence, the proposed signage would not be out of context.

5.2.4 The proposed signage if approved will replace a number of unsympathetic internally illuminated adverts. The proposed use of materials does not give rise to any concerns, especially when considered what was previously displayed on site lawfully. Comparing it with the previously permitted signage, the level of advertisement has been reduced and appears to be more sympathetic to the character and appearance of the locality area.

5.2.5 Therefore, on balance, the proposed signage is not considered to result in demonstrable harm to the character or appearance of the area, in accordance with policies BE9 of the Maldon District Replacement Local Plan and D6 of the submitted Local Plan.

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 advert itself 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. The proposed advertisements would not contain illumination which could pose a threat to public safety in relation to distraction or glare. The location of the signage would not distract the visibility splays of the site which could affect the access and egress to the site. Furthermore, the highway authority has raised no objections.

5.3.4 The advertisement is not considered to result in any material harm in terms of public safety. Therefore, no conflict would arise with saved policy BE9 of the RLP or policy D6 of the submitted LDP.

6. ANY RELEVANT SITE HISTORY

- **07/00940/FUL** – Retrospective application for hand car wash under existing canopy – Approved [03.10.2007]
- **16/00031/ADVERT** – Enforcement case – Successful prosecution

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer With Hazeleigh Parish Council	In consideration to the surrounding area and the scale of the proposed signage, the perceived impact would be detrimental on the rural location. At present advertisement signage already exists on the	Comments noted, see section 5.2 of the report

Name of Parish / Town Council	Comment	Officer Response
	fascia of the associated building and further high visibility boarding as proposed is considered unnecessary, with the additional possibility of setting a precedent for other business in the area. The proposed boarding may also introduce a siting hazard to vehicles exiting the premises onto the heavily used A414	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	Given that the proposed signs will not encroach on site access visibility splays and are not illuminated, from a highway and transportation perspective, the Highway Authority has no comments to make on this proposal.	Comments noted

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No comments have been received for this application.

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)
 - (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.