



**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
28 JUNE 2017**

Application Number	ADV/MAL/17/00534
Location	Tesco Fullbridge Maldon Essex
Proposal	Application for advertisement consent for 23No. of non illuminated other signs.
Applicant	Tesco Stores Limited
Agent	Mrs Mariana Benitez Rickmann - People & Space Limited
Target Decision Date	06 July 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

APPROVE subject to the conditions as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.



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Maldon District Council 100018588 2014

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	C Committee 17/00534/ADV
Date:	15/06/2017
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 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 23 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 approved under application **FUL/MAL/17/00074**. The advertisements comprise one style; a small 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
Post Signs	600m	800mm	2800mm

- 3.1.4 The post and wall signs are located in various positions around the car park area. The signs would be as follows:

		Colour Code on Submitted Plan
Back to Back signs on Existing Posts	8	Yellow
Single signs on Existing Posts	11	Red
Single signs on New Posts	2	Green
Wall Signs on western elevation of main store	2	Purple
Total Locations	23	

3.2 **Conclusion**

- 3.2.1 The number of individual board signs are considered acceptable and to comply with the policy criterion. It is noted that the proposal has reduced the number of signs

around the site by twelve (12) in total and specifically those adjacent to the boundary with the Blackwater and Chelmer Conservation Area over that previously proposed under **ADV/MAL/17/00075** which totaled 35 signs and one main entry board. The number of signs now proposed is considered acceptable in the context of a large retail superstore carpark and only comprises a total of two new posts with all others being sited on existing posts and walls. As per the previous application, the individual signs themselves are not considered contrary to policy criteria for design or size, and the reduced volume of post signs adjacent to the boundary is considered to have overcome previous reasons for refusal on this. It should be noted that the previous Advert Consent application was a split decision which approved the main entry board sign but not the post signs around the site.

3.2.2 It is therefore recommended that advertisement consent is granted.

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 Local Development Plan (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, recognising 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 criterion 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 recognisable with the authorised use of the building by a major food retailer.

5.1.5 The post signs would, with the back to back signs total 31 new sign boards on existing and new posts. The existing car park already contains numerous directional and parking signs. Two (2) new posts would be located adjacent to the main roadway adjacent to the building, unlike the previous application which proposed seven (7) new posts directly adjacent to the boundary of the site.

5.1.6 The car park is already a visually busy environment with a proliferation of instructional and directional signs and previously it was considered that a further 40 sign boards would visually detract from the area. Whilst it was acknowledged that advertisements can form an important part of a commercial development, the excessive number together with the existing signage in that application was considered to create a cluttered and visually damaging environment. However, the significantly reduced number and their siting within the site away from the boundary with the Conservation Area are considered acceptable in this instance. 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 reduction of posts and signs on this boundary is now considered to have overcome previous reasons for refusal.

5.1.7 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.

5.1.8 The proposal seeks a total of an additional 31 signs in total when counting the back to back signs individually. This number of signs on existing posts (with the exception of two) is considered acceptable when viewed within the context of the existing use of the site and its commercial nature.

5.1.9 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. The reduced number of signs together with the existing signs is not considered to result in detrimental visual impact and over proliferation.

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

5.1.10 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.

5.1.11 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 is 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 Considerations

5.3.1 It is noted that the previous submission for the advertisement consent and its corresponding planning application for two 4m poles for ANPR cameras 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 extant 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 supported the previous application for advertisement consent subject to there not being a condition already in place that allowed unlimited parking for residents and visitors, if such a condition exists. The Town Council have now recommended refusal due to the excessive signage and detrimental impact to the street scene. As previously stated, the overall number of signs has been significantly reduced and especially those adjacent to the site boundary with the Conservation Area and is now considered acceptable.
- 5.3.3 The previous proposals 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 was addressed within the relevant planning application for the ANPR cameras submitted in conjunction with the previous submission which was granted.
- 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.

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.
- **FUL/MAL/17/00074** – Installation of 2no. ANPR cameras on 5m poles. Approved 29 March 2017.
- **ADV/MAL/17/00075** - Advertisements related to ANPR cameras and associated signs at Tesco car park. Split Decision: Part approved, part refused. 29 March 2017.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object: Proliferation of signs and detrimental impact on street scene	These points have been addressed within the report

7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No Objection.	The comments of the Highway Authority are noted.

7.3 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.

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>No Objection.</p> <p>The development will not cause harm to the character, appearance setting or significance of the adjacent Conservation Area</p>	The comments of the Conservation Officer are noted.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received at the time of writing this report.

8 **PROPOSED CONDITIONS**

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.