



**REPORT of
CHIEF EXECUTIVE**

**to
PLANNING AND LICENSING COMMITTEE
16 NOVEMBER 2017**

AREA OF SPECIAL CONTROL FOR ADVERTISEMENTS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to review the existing Area of Special Control Order in terms of whether it should be modified or revoked.

2. RECOMMENDATION

That the Area of Special Control Order be retained without modification.

3. SUMMARY OF KEY ISSUES

3.1 Background

- 3.1.1 The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 3.1.2 Advertisements are controlled with reference to their effect on amenity and public safety only, so material considerations are reduced to those that can be considered within the system for obtaining planning permission for development.
- 3.1.3 An Area of Special Control Order places additional restrictions on the display of advertisements. For example, some deemed consent classes are subject to reduced size limits if they are located in an Area of Special Control. Areas of Special Control are designated in locations where a local planning authority considers that additional control above and beyond its powers to restrict deemed consent and take discontinuance action are required.
- 3.1.4 Where an Area of Special Control Order is in force, a local planning authority must consider at least once in every five years whether it should be revoked or modified. It is important to ensure that the standards adopted in first making the order are consistently maintained throughout the whole Area of Special Control whilst it remains in effect. The last review of the Area of Special Control within the Maldon District was reported to Members on 17 January 2013.

3.1.5 The Maldon District Area of Special Control was made by the Council on 22 March 1988 and confirmed by the Secretary of State on 9 June 1988. The order was confirmed with the **exception** of the following substantially built up areas:

- Maldon;
- Heybridge;
- Burnham-on-Crouch;
- Tollesbury;
- Southminster;
- Mayland;
- St. Lawrence.

3.1.5.1 Those exceptions were agreed following consultation with the Outdoor Advertising Council. A copy of the Order is attached at **APPENDIX 1**.

3.1.6 Other than the exceptions above the order covers the whole district.

3.2 **Assessment**

3.2.1 The effect of the Order is to apply more stringent controls over the display of advertisements. The Order covers the areas in the District which requires special protection to preserve its visual amenity. The restricted areas are those in which advertisements are generally a less prolific or conspicuous feature.

3.2.2 Three main categories of outdoor advertising would continue to be permitted within the Area of Special Control, which are:

- Public notices;
- Advertisements inside a building;
- Advertisements for which there is deemed consent.

3.2.2.1 A full list can be seen in the Order (**APPENDIX 1**).

3.2.2.2 Additionally, the local planning authority may give express consent for certain categories of advertisements such as:

- Advance or directional signs;
- Signs for public safety reasons;
- An advertisement in any normal deemed consent class if it is considered reasonable for the normal limits on that class to be exceeded.

3.2.3 The Area of Special Control was drawn to exclude all land in the settlements referred to in paragraph 3.1.5 which are the more built up settlements within the district (as per enclosed maps at **APPENDIX 1**). The boundary of the Area of Special Control was drawn up based upon the defined development boundaries at that time. When reviewing the Order in terms of whether it should be modified, regard should be had to the development of any land within the Area of Special Control, most commonly whether there has been any substantial industrial or commercial development.

Residential development is often located within Areas of Special Control and is not readily associated with advertisements.

3.2.4 Since the last review of the Area of Special Control there has been new development built across the District. The majority of the development has been small scale residential development; however there have been a couple of larger developments to the edges of Maldon and Southminster which are two of the settlements which are mostly excluded from the Area of Special Control. There has been no significant or large industrial or commercial development in areas not already excluded from the Order.

3.2.5 The new residential developments to the outskirts of Maldon (Land off Park Drive) and Southminster (Southminster West Business Park) are both located on the edges of the built up areas and contain entirely residential development. The developments are not of a scale which warrants modification of the Area of Special Control. However, it is considered that once the strategic development sites have been built out, which contain a mixture of uses and are of a significant scale, it is likely that the Area of Special Control Order will require modification.

4. CONCLUSION

4.1 No commercial or industrial development of land of a scale significant enough to impact on the existing designated Area of Special Control Order has taken place since the Order was last reviewed in 2013. The residential development which has taken place is not of a scale significant enough to warrant modification of the Order. The Order remains an important and effective measure to protect the character and visual amenity of the more rural parts of the District and should be retained.

5. IMPACT ON CORPORATE GOALS

5.1 The Area of Special Control for Advertisements supports the Council's corporate goals, particularly protecting and shaping the District.

6. IMPLICATIONS

(i) **Impact on Customers** – The protection of the visual amenity of the area of the District covered by the Area of Special Control for Advertisements is important to the quality of life of customers.

(ii) **Impact on Equalities** – none identified.

(iii) **Impact on Risk** – none identified.

(iv) **Impact on Resources (financial)** – none identified.

(v) **Impact on Resources (human)** – none identified.

- (vi) **Impact on the Environment** – Retention of the Area of Special Control for Advertisements supports the protection of the more rural areas and landscapes within the District.

Background Papers:

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
Report to Planning and Licensing Committee on 17 January 2013 – Area of Special Control for Advertisements

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