



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

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to  
**CENTRAL AREA PLANNING COMMITTEE  
24 JANUARY 2018**

<b>Application Number</b>	<b>ADV/MAL/17/01378</b>
<b>Location</b>	Former Brooks Bros Site The Causeway Maldon Essex
<b>Proposal</b>	Promotional material to encourage tourism and business within the District and announce the creation of the Blackwater Retail Park
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	Mr Jack Ellum - Maldon District Council
<b>Target Decision Date</b>	31 January 2018
<b>Case Officer</b>	Anne Cook, TEL: 01621 875822
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Application is made by a member of staff on behalf of the Council

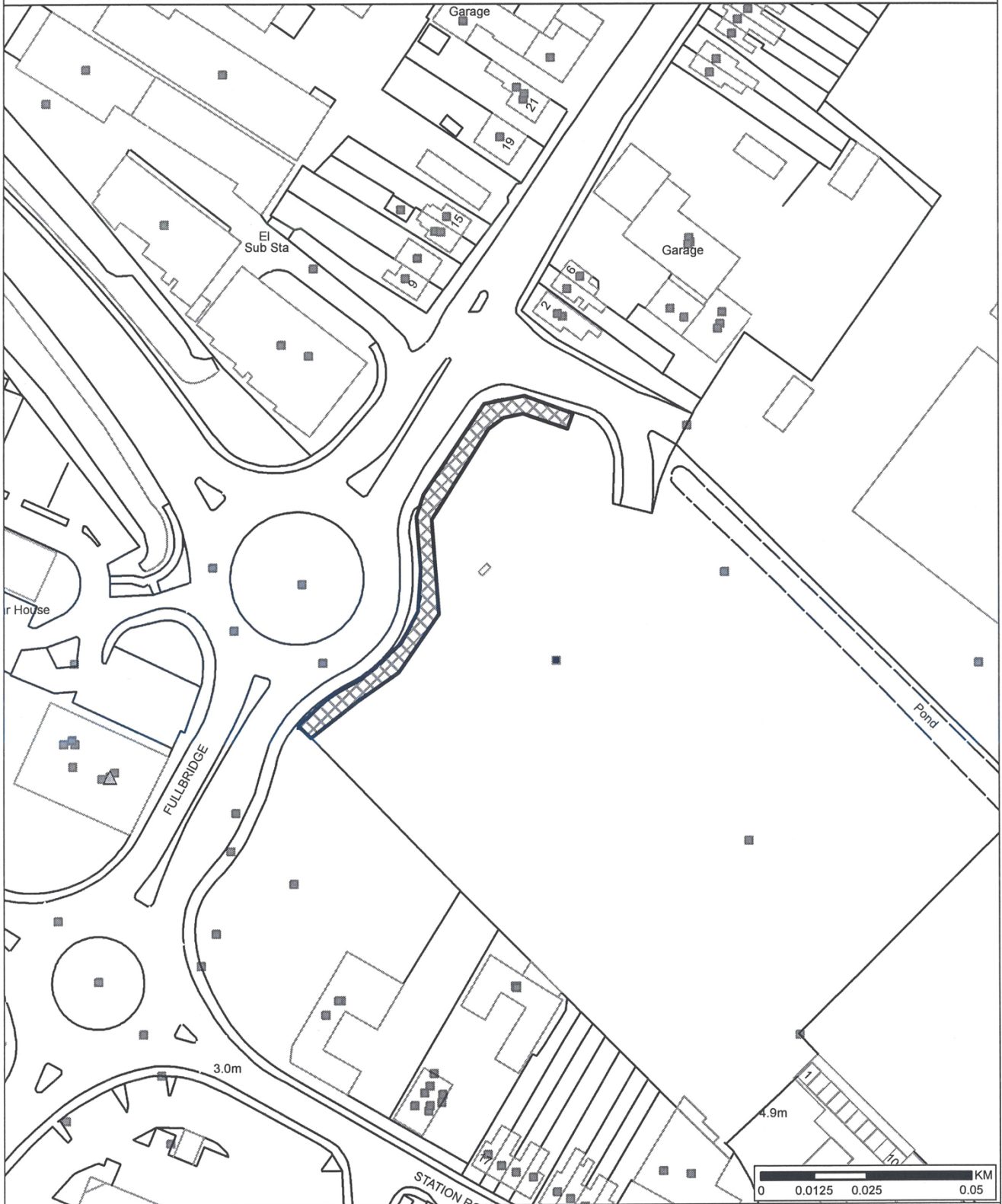
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Former Brooks Bros Site - The Causeway**  
**Maldon ADV/MAL/17/01378**



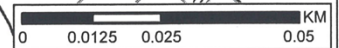
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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Area Committee
Date:	15/01/2018
MSA Number:	100018588



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the east of the roundabout junction with The Causeway, Maldon and the A414, and is the former Brooks Bros Site. The application site and surrounding area is designated as employment land. The site on which it is proposed to place the promotional material benefits from an extant planning permission to provide a foodstore, non-food retail units and a hotel. Development has started on site by way of ground levelling in preparation for slab laying.
- 3.1.2 Advertisement consent is sought for the placing of promotional material (“Sense of Place”) on the perimeter hoarding of the site adjacent to the highway. Advertising consent is sought for the entire length of boundary in this location which measures 130m in length and 3m in height.
- 3.1.3 The Maldon District “Sense of Place” Branding is proposed to be installed which is designed to positively promote the Maldon District as a great place to live, work and enjoy and allows businesses to celebrate being part of the Maldon District. The “Sense of Place” branding is supported by local businesses, the District Council and partnership organisations and is available for use by local businesses, stakeholders and groups based in the Maldon District.
- 3.1.4 Planning permission is sought for 1 year only. The reason for this is that the hoarding is a temporary feature and construction on site is programmed to finish within 12 months.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed advertisements would not harm the character and appearance of the area or the site and would respect the interest of public safety. Therefore, the proposed advertisement is in accordance with policy D6 of the approved 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:**

- 67 & 68

#### **4.2 Approved Maldon District Local Development Plan 2014 – 2029:**

- D6 – Advertisements

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

#### **4.4 Maldon District Design Guide**

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Advertisements are controlled with reference to their effect on amenity and public safety only, in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).
- 5.1.2 The NPPF and National Planning Policy Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of a built and natural environment and on public safety.
- 5.1.3 The main policy when assessing this proposal is Policy D6 of the Approved Maldon District Local Development Plan 2014 – 2029. The requirements of this policy are as follows:
- (a) The design, materials and location of the advertisement respects the scale and character of the ... surrounding area, 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 and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;
  - (d) Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable 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 The principle of displaying an advertisement on hoardings at the site is considered to be acceptable. The application is assessed against material planning considerations, including the previously mentioned policies and guidance, and is discussed in detail in the following sections of this report.
- #### **5.2 Public and Highway Safety**
- 5.2.1 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.
- 5.2.2 The vital consideration in assessing an advertisement's impact is whether the advertisements, or the location proposed for 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.

- 5.2.3 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.
- 5.2.4 It is considered that whilst the overall size of the advert is quite extensive and is somewhat detailed, due to its siting and relationship with the highway it is unlikely to result in the confusion or delay of passing traffic to the detriment of highway safety.
- 5.2.5 The positioning of the advertisement, which is visible from the highway, is not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. The Highways Authority has also been consulted and raised no objection to the proposal.
- 5.2.6 The proposed advert is non-illuminated and therefore poses no threat to safety by way of glare, dazzle or distraction.

### **5.3 Impact on the Character and Appearance of the Area**

- 5.3.1 Advertisement consent is sought for the placing of promotional material (“Sense of Place”) on the perimeter of the site adjacent to the highway. Advertising consent is sought for the entire length of boundary in this location which measures 130m in length and 3m in height. It is not proposed at this time to place the promotional material along its full length. However, it is intended that this application will provide for future proposals should opportunities arise.
- 5.3.2 In assessing the impacts 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.
- 5.3.3 The proposed promotional material would be located on a hoarding that has been erected on the boundary of the site and would be at the back of the footway adjacent to the highway.
- 5.3.4 The proposed promotional material is considered to be appropriate for the area and would be viewed in context with the location of the site, which is seen as a ‘gateway’ into the town, and the surrounding area which is designated as employment land.
- 5.3.5 Therefore, due to the majority of surrounding land being designated employment land, the proposal is not considered to result in demonstrable harm to the character or appearance of the area nor be visually intrusive or to detrimentally affect the appearance of the proposed retail park, in accordance with policy D6 of the Approved LDP and guidance contained within the NPPF.
- 5.3.6 Hoardings in themselves do not require planning permission while development is ongoing. The option therefore exists for blank hoarding to be erected, as has occurred. The proposal would therefore create visual interest that would be an enhancement in comparison to the fallback position. It is also relevant to note that the hoarding and

vinyl wrap would be temporary for a period of 1 year and therefore the visual impact would be of limited duration.

## 5.4 Other Considerations

- 5.4.1 The Economic Development Team support the application and their comments can be found in section 7.3 of the report (Internal consultees). The Maldon District Design Guide (SPD) (adopted by Council on 21 December 2017) states that the “Sense of Place” is a vision which articulates an identity that businesses can ‘buy into’ to promote their businesses within the district.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00861** - Hybrid application (part full/part outline) comprising demolition of existing buildings and redevelopment of site to provide foodstore, non-food retail units incorporating flexible A1/A3 component, together with hotel; access, servicing, vehicle and cycle parking, hard and soft landscaping and associated works . Full consent is sought for the retail element; outline consent for the hotel. APPROVED subject to S106 - 01.12.2014.
- **FUL/MAL/15/00880** - Removal of conditions 5, 6 & 7 on approved application FUL/MAL/14/00861 (Hybrid application (part full/part outline) comprising demolition of existing buildings and redevelopment of site to provide foodstore, non-food retail units incorporating flexible A1/A3 component, together with hotel; access, servicing, vehicle and cycle parking, hard and soft landscaping and associated works . Full consent is sought for the retail element; outline consent for the hotel) Reason: To cater for the requirements of a new food anchor & attendant revisions to scheme design; also for consistency between conditions. APPROVED subject to S106 - 06.11.2015.
- **ADV/MAL/16/00646**– Proposed Advertisement Consent for 3No. Internally illuminated 3D COSTA letters fascia signs and vinyl graphics to all elevations – APPROVED – 15.09.2016.
- **ADV/MAL/16/00974** - Totem sign at entrance to proposed retail park – APPROVED – 06.10.2016.
- Pursuant to the granting of planning permission a number of conditions have been discharged.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	The comments of the Town Council are noted.

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Highways	No objection	The comments of the Highway Authority are Noted

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Economic Development	The hoardings at the Aquila site will allow them to show that they have adopted the Maldon District Sense of Place branding and principles and are therefore participating in the renewal of business in Maldon. It will also encourage other local businesses to join in and participate in local supportive projects, such as the newly formed Causeway Business Forum. The highly visible hoardings will also demonstrate to visitors that Maldon District businesses, supported by Maldon District Council (MDC), are investing in providing the kind of support and locations that will appeal to existing businesses in expansion or investors from outside the district.	Noted

## 7.4 Representations received from Interested Parties

A letter was received objecting to the application from the following and the reasons for objection are summarised as set out in the table below:

- Judy Lea on behalf of The Maldon Society, 12 The Courtyard, Spital Road, Maldon

<b>Objection Comment</b>	<b>Officer Response</b>
The promotional material is vague.	See section 5.4.1 of the report
Assumed expenditure by the Council.	The developer and the Communication Department of MDC is working in

Objection Comment	Officer Response
	partnership in relation to this proposal. However, the Local Planning authority must reach its decision objectively and independently, regardless of who the applicant may be.
Expenditure would be more effectively spent on additional park and ride facilities	Does not fall to be considered under this application

**8. PROPOSED CONDITIONS**

1. The express consent hereby granted shall be for a period of 1 year 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.