



Application No: 151798

Location: Aqua Springs, Cowdray Avenue, Colchester, CO1 1YH

Scale (approx): 1:2500

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7.10 Case Officer: James Ryan

Due Date: 10/11/2015

OTHER

Site: Aqua Springs, Cowdray Avenue, Colchester, CO1 1YH

Application No: 151798

Date Received: 15 September 2015

Applicant: Miss J Edwards

Development: 1 no. Illuminated fascia sign

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the scheme on visual amenity and public safety. The scheme is acceptable in regard to both and therefore an approval is warranted.

3.0 Site Description and Context

- 3.1 Aqua Springs is a day spa facility located on Cowdray Avenue. To the south is the rest of the Leisure World complex, to the east is the access road and McDonald's, to the west is Ten Pin Bowling and to the north is Cowdray Avenue and over the road are residential dwellings that face the site.

4.0 Description of the Proposal

- 4.1 The existing non-illuminated sign on the north elevation is to be replaced with a halo illuminated sign in the same position.

5.0 Land Use Allocation

- 5.1 The site lies within the defined settlement limits. It is located in Flood Zone 2 and there are Public Rights of Way near to the wider site. These factors have no material bearing on this signage application however.

6.0 Relevant Planning History

- 6.1 Whilst the site has a detailed planning history none is particularly relevant to this proposal.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National planning Policy Framework (NPPF) must also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Shopfront Design Guide

8.0 Consultations

8.1 ECC Highways:

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².

Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8.2 Historic Buildings and Areas Officer:

The proposed halo lighting appears to accord with our adopted shopfront guidance. The signs would neither improve nor detract from the building and local area and therefore I have no objection to the application being approved.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 The area is non-parished.

10.0 Representations

10.1 No objections received.

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Development Team and Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

15.0 Report

As an application for an advertisement this proposal can only be assessed against the following criteria:

Visual Amenity

- 15.1 The sign proposed will sit in the triangular area where the existing ‘Aqua Springs’ signage sits. It will fill the whole inset area which will be an improvement on the current situation which appears as a bit of an afterthought. The typeface to be used is more contemporary and the words ‘day spa and beauty treatments’ have been added below the new Aqua Springs corporate logo.
- 15.2 Unlike the current situation the scheme is to be halo illuminated. This means the letters will stand slightly proud of the fascia and LED’s in the back of the letters will cast light back onto the fascia giving the halo effect.
- 15.3 Although not located in an area of particular historic significance the Historic Buildings and Areas Officer has commented and considered the signs to be acceptable in line with the relevant SPD and Development Plan policies.

Public Safety

- 15.4 The Highway Authority has no objection to the scheme subject to a luminance condition which will be imposed. The scheme raises no other public safety issues.

16.0 Conclusion

- 16.1 The scheme is acceptable in terms of visual amenity and public safety. It therefore accords with the NPPF, the NPPG and the Development Plan. An approval is therefore recommended.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions:

18.0 Conditions

1 - Non-Standard Condition/Reason

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. 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.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 - Non-Standard Condition/Reason

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Rev 1: 23/06/15.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3 - Non-Standard Condition/Reason

The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².

Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.