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Item No: 7.7

Application: 211237 & 211324

Applicant: Mrs Rachel Welch, CBC

Proposal: Installation of environmental 'Switch off' signage. Revisions to application previously approved under 201799

Location: Brook Street, Colchester

Ward: Castle

Officer: Annabel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 The Advertisement Consent applications are referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

- 2.1 The applications have been assessed leading to the conclusion that the proposal is acceptable, and that conditional approval is recommended. It is not considered there would be a detriment to visual or residential amenity and there would be no detriment to public safety, including highway safety.

3.0 Site Description and Context

- 3.1 East Street and Brook Street are located within the Colchester settlement boundary they are both notable for their poor air quality.
- 3.2 Colchester Borough Council (CBC) is undertaking a project to test the effectiveness and impact that signage behaviour messaging has on air quality and idling rates within Colchester's poorest areas of air quality. CBC has been awarded funding from the Department for Environment, Food and Rural Affairs (Defra) for a project to expand on previous studies undertaken on the effectiveness of psychologically based roadside 'switch off' signage messaging. This project will explore whether messaging is effective in reducing engine idling over the longer term, whether messaging requires rotation and whether drivers suffer from signage fatigue after a period of time. The project will take place over a year and a half.
- 3.3 Previous approval for the signage has been granted, reference numbers 201693 & 201799. The approved signage has been erected however, following feedback on the project the text was deemed to be too small. Therefore, the current applications seek permission for signs with larger text.

4.0 Description of the Proposal

- 4.1 The signage is located within two of Colchester's Air Quality Management Areas (AQMAs), Brook Street south junction, Brook Street north junction and East Gates Rail Crossing. The signs will cover the typical queue length during peak congestion.
- 4.2 The proposed signage messaging includes the following variations:
- (1) 'Join other responsible drivers in Colchester. Turn off your engine when the [barriers are down/ traffic lights are red]';
 - (2) 'Turn off your engine when the [barriers are down/ traffic lights are red]. You will improve the air quality in this area.';
 - (3) 'Think about your actions. When the [barriers are down/ traffic lights are red], please turn off your engine'.

5.0 Land Use Allocation

- 5.1 Brook Street - Predominately residential.

5.2 East Street – Mixed Use.

6.0 Relevant Planning History

6.1 None.

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 be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to these applications, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- UR2 - Built Design and Character

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity

7.4 There are no relevant adopted Site Allocations (adopted 2010) policies that should be taken into account in the decision making process.

7.5 There are no relevant Neighbourhood Plans that should be taken into account in the decision making process.

7.6 Adopted Local Plan and Emerging Local Plan Status – March 2021

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to be examined, with hearing sessions scheduled for two weeks between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Emerging Section 2 Local Plan

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;

2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressed to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as comments from Planning Inspector has yet to be issued, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 *Highways Authority:*

From a highway and transportation perspective the impact of the proposal is acceptable.

A condition has been recommended to afford a minimum headroom above the footway and an informative is recommended to control works affecting the highway.

8.3 *Environmental Protection:*

No objections.

8.4 *Built Heritage and Conservation (Brook Street only):*

No objections on heritage grounds-Brook Street is not within a CA. One sign will be erected outside the listed 1-2 East Bay but the project has a specific timeframe; the sign's visual impact on the setting of the LB will not be permanent.

8.5 *Network Rail:*

Summary - The applicant must ensure that any construction and subsequent maintenance can be carried out without adversely affecting the safety of/or

encroaching upon Network Rail. Plant and material for not be capable of impact rail line or infrastructure.

Planning Officer's comment: Due to the nature of the application there is negligible risk to Network Rails operations.

9.0 Parish Council Response

9.1 Non parish.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations were received for either application.

11.0 Parking Provision

11.1 N/A

12.0 Accessibility

12.1 N/A

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 Considered to have the potential to have a positive impact.

15.0 Planning Obligations

15.1 The applications are not classed as a "Major" applications and therefore there was no requirement for them to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

16.1 The main issues in these cases are:

- Amenity
- Highway Safety

16.2 Paragraph 67 of the NPPF states that "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

- 16.3 In assessing a signs impact on "amenity", regard should be given to the effect on the appearance of visual amenity in the immediate neighbourhood where it is to be displayed and also consideration of any impact upon residential amenity. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.
- 16.4 The signs have been carefully designed to appear similar to highways signs that deliver information to motorists, with yellow backgrounds and the black text. It is considered that the format and design of the signs will be familiar in an urban environment.
- 16.5 The previously approved signs are 65cm x 40cm the proposed signs are to be 65cm x 91cm. Maintaining the same width but increased in length. It is considered that the increase in size is acceptable.
- 16.6 There is little signage along the proposed signage routes at Brook Street therefore the proposed is not considered to have a cumulative negative impact on the visual amenity of the area.
- 16.7 It is acknowledged that East Street is an area that already has a large amount of signage and advertisement (highways safety and information signs, business advertisements and directional signage). However, whilst the proposed would introduce larger signage to the area it is considered that the additional impact when compared to what has been previously approved is minimal. The signage is also to be time limited and will be conditioned as such. Therefore, the impact on visual amenity is considered to be acceptable.
- 16.8 The Council's Environmental Protection team have not raised any concerns therefore it is not considered that the signs would result in any harm to residential amenity.
- 16.9 In assessing the impact on "public safety", regard should be had to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention. 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 others' safety.
- 16.10 The proposed signs are not considered to have an adverse impact on the highway safety; this has been confirmed by the Highway Authority. A condition has been recommended to ensure the safe passage of footpath users.

17.0 Conclusion

17.1 To summarise, the proposed alternative signage is not considered to be harmful to visual and residential amenity or to public safety including highway safety. The proposals are therefore considered to comply with the guidance set out in the NPPF and development plan policies which are material considerations in so far as they relate to amenity.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of advertisement consent for both applications subject to the following conditions:

1. Standard Advert Condition

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. Removal of Temporary Signs

The signs hereby granted consent shall be removed 18 months after they are first installed.

Reason: Permission is granted to assess the effectiveness of the signs, further consideration would be required for a longer period of time.

3. Approved Documents

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

01 rev A 'Location Plan - East Street' 07/20 **OR** 02 rev B 'Location Plan - Brook Street' 07/20 &
SignPlot v3.25 dated 26.3.2021.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

4. Headroom

The proposed signs shall afford minimum headroom above the footway of 2.6m. and maintained at that height in perpetuity.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests of highway safety.

Informatives

1. Highways Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
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