



The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

**Item No:** 7.6

**Application:** 181548

**Applicant:** Colchester Borough Council

**Agent:** Mr Jack Conington

**Proposal:** Advertisement Consent to display Bespoke heras fence panels around the Former Waiting Room site.

**Location:** Former Waiting Room, Cafe, Bus Station, Queen Street, Colchester, CO1 2PG

**Ward:** Castle

**Officer:** James Ryan

**Recommendation:** 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 for consideration are the impact the scheme will have on visual amenity and public safety. It is concluded that the scheme is acceptable in both respects.
- 2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The site is located next to an area of public realm between the Curzon Cinema and Firstsite. The temporary Heras fence in question is in place and runs from the edge of the Firstsite gallery to the edge of the Bus Station.
- 3.2 Behind the Heras fence is the site of the former Waiting Room which has recently been demolished and is now empty awaiting redevelopment.

## **4.0 Description of the Proposal**

- 4.1 The proposal is to affix advertising banners to the existing Heras fencing. These will announce 'Welcome to Colchester's Creative Quarter' and will also show the logos of the partners involved in the redevelopment of the area. The banners would be in place for a temporary period until 31<sup>st</sup> July 2020.
- 4.2 The banners will run the length of the existing fencing at 87.5m and will be in blocks of 3.5m long by 1.8m high.

## **5.0 Land Use Allocation**

- 5.1 The site is located in the town centre and is also within the Conservation Area.

## **6.0 Relevant Planning History**

- 6.1 There is a great deal of planning history that relates to the surrounding sites but none are particularly relevant to this application for temporary advertisement consent.

## **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 this application, 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  
DP14 Historic Environment Assets

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

The Essex Design Guide  
Town Centre Public Realm Strategy

## **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.

8.1 Highway Authority – No objection.

## **9.0 Parish Council Response**

9.1 Non-parished.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 No representations received to date – any received will be reported on the update sheet.

## **11.0 Parking Provision**

11.1 As an application for advertisement consent this scheme raises no parking issues.

## **12.0 Open Space Provisions**

12.1 As an application for advertisement consent this scheme raises no requirement for open space.

## **13.0 Air Quality**

13.1 As an application for advertisement consent this scheme will not generate significant impacts upon the air quality management zones.

## **14.0 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 (s.106) of the Town and Country Planning Act 1990.

## **15.0 Report**

15.1 As an application for advertisement consent the main issues in this case are:

- Visual Amenity
- Public Safety

### Visual Amenity

15.2 Paragraph 67 of the NPPF states "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." Paragraph 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

15.3 In assessing an advertisement's impact on "amenity", regard should be had to the effect on the appearance of the building or on visual amenity in the immediate area where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including their cumulative effect, will have on their surroundings. The relevant considerations for this purpose are the local characteristics of the area, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. In terms of visual amenity a key consideration is the impact that the proposed advertisements would have on the character of the area, together with their impact on the amenity of the local street scene. Development Policy DP14 states that development will not be permitted that adversely affects (inter alia) a conservation area and that any features of specific historic, archaeological, architectural or artistic interest should be enhanced in the first instance.

15.4 In this instance it is held that covering the exiting Heras fencing in PU-coated polyester fabric advert panels on a temporary basis will significantly reduce the transparency of the fencing. In turn the proposal will provide a greater degree of screening than the fences on their own. As the area behind the fence is a site that is awaiting redevelopment this additional screening is held to be beneficial to visual amenity. The adverts will also provide more visual interest than the blank temporary fencing does and will inform the public of the ongoing redevelopment of the area that is transforming this section of Colchester into the Town's Cultural Quarter.

15.5 The signs proposed are simple, are obviously temporary and are non-illuminated so they have a neutral to beneficial impact on the setting of the listed buildings in the area and on the setting of the Scheduled Ancient Monument which is nearby. They are also held to preserve the Conservation Area as they will screen part of it that is undergoing redevelopment on a temporary basis. They are well designed and are not held to constitute advertisement clutter. A condition will be imposed to require the maintenance and upkeep of the PU-coated polyester fabric advertisements to prevent them becoming untidy over time.

#### Public Safety

15.6 In assessing an advertisement's 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, therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. 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. In this instance, the non-illuminated proposal is unlikely to create any impact upon highways safety. The Highway Authority has not objected to the scheme nor recommended conditions to be imposed so as such the proposal is considered to be acceptable. The scheme raises no public other public safety issues.

### **16.0 Conclusion**

16.1 To summarise, the scheme is held to be beneficial to the areas in terms of visual amenity, will preserve the Conservation Area and raises no public safety issues. The scheme therefore accords with the NPPF and the Development Plan and an approval is therefore warranted.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of advertisement consent subject to the following condition:

### **1. ZQA - 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. ZQM – Adverts Used as Screening**

The advertisements permitted by this consent shall not be displayed on the site after the date of completion of building operations or after expiry of two years from the date of this decision, whichever first occurs.

Reason: In order to ensure that this temporary screening is not retained on site to the detriment of the surrounding environment once the building operations it is designed to screen have ceased.

### **3. ZAM - \*Development to Accord With Approved Plans\***

The development hereby permitted shall be carried out in accordance with the details shown on the submitted block plan and advert details, received by the Local Planning Authority on 11<sup>th</sup> July 2018.

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

### **4. Z00 – Requirement for Upkeep**

The PU-coated polyester fabric advert panels shall be monitored and maintained on a regular basis and if they tear, become undone from the fencing, or become damaged the panel in question must be replaced within one calendar month of its discovery.

Reason: To ensure the banner adverts are maintained in the interests of visual amenity and to ensure the scheme does not degrade in quality over time.

## 18.0 Informatives

18.1 The following informatives are also recommended:

### **Z00-Highways Informative**

The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging or adjacent to the highway which is considered to be an obstruction or a hazard to the safe and convenient passage of the public in the highway.

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.

### **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.

### **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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.