



**Application No:** 162432

**Location:** Eastwood Service Station, Ipswich Road, Colchester, CO4 0EX

**Scale (approx):** 1:1250

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**7. 2 Case Officer:** James Ryan      **Due Date:** 24/11/2016

## **ADVERTISEMENT**

**Site:** Eastwood Service Station, Ipswich Road, Colchester, CO4 0EX

**Application No:** 162432

**Date Received:** 29 September 2016

**Agent:** Hannah Thomas-Davies, Rapleys LLp

**Development:** Installation of advertisements

**Ward:** Highwoods

**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 it was called in by Councillor Gerrard Oxford for the following reason: "I want the above application called in because the site on Junction 28 has two entrances which means the impact of the signage is halved in comparison to the tight largely residential site. The keel of signage is effectively double that of junction 28. Also the environmental impact of the signage on local residents is high given most of the boundary trees have been removed exposing the properties to the light problems."

### **2.0 Synopsis**

- 2.1 The key issues explored below are the impact on visual amenity and public safety. It is held that the scheme is acceptable in both regards and therefore an approval is warranted.

### **3.0 Site Description and Context**

- 3.1 Eastwood Service Station is a petrol station which is located on the western side of Ipswich Road. Previously the station consisted of a high canopy above the petrol pumps, a shop, a drive-in car wash and parking areas but now it is a fenced off building site as the planning approval for the new BP Petrol Station is being implemented. To the north of the site is a grassed area with some pollarded trees and a wooden fence that forms a boundary with the dwelling of 366 (a bungalow) beyond. To the east is a strip of grass, a footpath and wide grassed verge with various telegraph poles and telecoms masts and then the highway of Ipswich Road – with dwellings on the opposite side of the road.

- 3.2 To the south of the site a footpath/cycleway/vehicle access leads to the dwellings of Myland Hall Chase. To the west is an area that is separated from the petrol station but is in its ownership; beyond the boundary is the neighbouring property 'Thuya'.

#### **4.0 Description of the Proposal**

- 4.1 This application comprises a number of advertisements as listed below:

- 1 no. Building Helios
- 1 no. M&S Fascia Signage (BP-UK-502),
- Wild Bean Illuminated Lozenge (BP-UK-412)
- 5.2M MID Sign (Totem sign) (BGB T1 7M)
- Canopy Fascias
- Canopy Helios (BGB-CN-001)
- Car Wash Exit Sign (BGB-CW-172)
- Car Wash Entry Sign (BGB-CW-171)
- Car Wash Side Sign (BGB-CW-170)
- Air/Water/Vac Signage (BGB SS-52)
- Air/Water (BGB-SS-13)
- 1 no. Green BP Poster Frame
- 2 no. White BP Poster Frame.

- 4.2 It is noted that the application form shows one White BP poster frame however the plans clearly show two. This has been clarified with the agent who confirms that the plans are correct. The description has been updated and the scheme has been assessed on that basis. The plans also show a 'building awning' in the table title 'details of proposed advertisements'. This does not constitute an advertisement and did not form part of the description. It was approved as part of the previous planning application.

#### **5.0 Land Use Allocation**

- 5.1 The site is within the defined settlement limits. Myland Hall Chase is a 'green link'. It has no other particular planning policy designation.

#### **6.0 Relevant Planning History**

- 6.1 A/COL/95/0733 - Advertisement consent granted for non-illuminated poster boxes, free standing poster box, car wash menu sign and car was instruction sign. Approved 20/10/1995.

A/COL/01/1324 - Advertisement consent granted for 2no. non-illuminated canopy fascias, 2no. illuminated canopy fascias and 1no. internally illuminated pole sign. Approved 4/1/2002.

A/COL/05/0004 - Application to retain internally illuminated pole mounted sign. This application relates to amendments to the pole mounted sign permitted under application A/COL/01/1324. Consent was refused and an appeal was dismissed.

A/COL/05/0140 - Application for car wash signage comprising of 2no. illuminated and 1no. non-illuminated fascia on the car wash building, 2no. non-illuminated pole mounted signs, 1no. non-illuminated direction sign and a vinyl banner attached to the front of the car wash. Consent was refused and an appeal against this refusal was dismissed.

150105 – New image forecourt signage – Approved 20/3/2015.

- 6.2 In addition to the above there have been many planning applications over the years on or adjacent to the site however the most relevant application is the recently approved proposal for the full redevelopment of the site for a new petrol station ref: 160608.

## **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:

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
UR2 - Built Design and Character  
ENV1 - Environment

- 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 Environmental Protection: No objection subject to the following condition:

ZGW - Illuminated Signs

Any illuminated sign shall comply with the guidelines in the current "Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements"

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

Note: This area is considered to be EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS

## 8.2 Highway Authority:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

The maximum luminance of the signs M & S Simply Food and the Monolith totem shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 300 Candelas per square metre (300cd/m<sup>2</sup>).

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

## 8.3 Natural England: No objection.

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 Non-parished.

## 10.0 Representations

### 10.1 Eleven representations have been received from seven addresses. Some of these were very detailed and the full text can be read on the website, however in summary these objected to the scheme on the following basis:

- The scheme is excessive.
- The scheme constitutes harmful advertisement clutter.
- This is a residential area.
- The Council have a duty to protect the visual amenity of the area and not just give BP what they want.
- Everyone knows there is a petrol station there so the signs are not needed.
- If the totem/monolith is acceptable there is no need for the other signage.
- There is sign duplication.
- There is no need for the case wash signs – Esso used to have those painted on the floor.
- There are more signs than at the BP at the A12 Junction 28 services.
- We object to the concurrent licencing application for a number of reasons.
- If there are allowed they must only be illuminated in business hours.
- LED illumination should not be allowed at all.
- No illumination should be allowed at all.
- There is already a great deal of phone masts and related equipment in front of the site cluttering the street scene.
- This will harm our outlook.
- This will impact on our quality of life and sleeping.
- This will cause light pollution and the removal of trees exacerbates this.
- The green numerals will be harmful to visual amenity.

- In the past the Planning Inspector has concluded that this is a residential area which must be treated with sensitivity.
- The shop should not be cluttered with signage.
- The previous monolith was not illuminated.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 As an application for advertisement consent this is not relevant.

## **12.0 Open Space Provisions**

- 12.1 As an application for advertisement consent this is not relevant.

## **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**

- 15.1 As an application for advertisement consent the proposal can only be assessed in terms of public safety and visual amenity:

### Public Safety:

- 15.2 In terms of 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.
- 15.3 The majority of the signs would be visible from Ipswich Road and could, therefore, have an impact upon highway safety. However, they are very much typical of the type of adverts that are seen in similar positions at service stations across the Borough and are not considered to be distracting to highway users. This view is supported by the Highway Authority, who has not raised an objection to this application. As the recognized experts in highway safety and efficiency, the opinions of the Highway Authority must be given considerable weight. On this basis, it is considered that the

proposal is appropriate in relation to functional need and is not detrimental in terms of safety and distraction to either highway traffic or pedestrians. Therefore this scheme raises no public safety concerns.

#### Visual Amenity:

- 15.4 Paragraph 67 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisement should be efficient, effective and simple in operation. Adverts that have an appreciable impact on a building or its surroundings should be subject to the LPA's detailed assessment, and subject to control only in the interest of amenity and public safety.
- 15.5 Furthermore, Core Strategy Policy UR2 states that developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported while Development Policy DP1 requires that all development be designed to a high standard.
- 15.6 In assessing an advertisement's impact on amenity, consideration should be given to the effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. 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.
- 15.7 The application site is located within a residential area with a strong residential character. The service station is the only commercial premises in the immediate vicinity, however there are a number of commercial premises further north and south on Ipswich Road. Residential properties along Ipswich Road are a mix of detached and semi-detached dwellings set back from the road.
- 15.8 With regards to amenity, it is understood that different groups perceive the application site and the associated advertisement in different ways. For motorists, including those using the service station and others just driving along the road, their view of the signage is transient as they see it for a maximum of a few minutes. However, the service station and the signage is a permanent feature for residents who therefore have a completely different perception of it.
- 15.9 This is the key consideration with this application. The agent is aware of the concerns from the neighbours and advised the client to apply for the minimum level of advertising.

#### The Canopy:

- 15.10 Unlike many BP garages, the fascia of the canopy does not have an illuminated 'Helios' BP symbol – the Helios proposed in this instance is non-illuminated. Further to this the scheme does not have the green LED strip on the canopy edge that most BP garages have – this was removed following the initial public consultation. The canopy will have a green fascia which comprises green vinyl applied to the edge of the canopy. This is held to be acceptable in visual amenity terms and shows that the applicants are treating this site with a degree of sensitivity.

#### Air and Water Signage:

- 15.11 The two free standing Air and Water signs are set towards the rear of the site near to the entrance to the car wash. They are not illuminated. These are considered to be acceptable in visual amenity terms.

#### Shop Signage:

- 15.12 The illuminated 'Wild Bean Café' lozenge, the BP 'Helios' (circular symbol) and the 'M&S Food' fascia sign face the forecourt and are standard illuminated corporate signage. The agent submits that they are of a typology that is designed to sit on the shop frontage under the curved sections of the shopfront either side of the main glazed central section.
- 15.13 As the sections of the totem/monolith (see below) that also show 'M&S' and 'Wild Bean Café' are to be conditioned to be non-illuminated, it is considered reasonable to allow these building mounted signs to be illuminated. Therefore these adverts are held to be acceptable in visual amenity terms.

#### Totem/Monolith:

- 15.14 As set out in the planning history section, in 2005 the previous operator applied for the illumination of the totem, including the illuminated numbers demonstrating petrol prices. This was refused and the Council's decision was upheld at appeal. This means the Esso garage had manually changeable plastic petrol price numbers until the sign was removed for the current redevelopment.
- 15.15 The main illuminated monolith/totem advertisement that displays the petrol prices is a 5.2 metre high model whereas many BP stations have a 7 metre high version. This comprises the BP 'Helios', the digital green petrol price numbers and then three panels showing 'Wild Bean Café', 'M&S' and 'BP Ultimate fuel', however it is understood that these three panels are designed to be interchangeable.
- 15.16 Whilst in 2005 manually adjusted petrol pricing with interchangeable plastic digits was still relatively common, this is not now the case. The price of petrol is now even more important to many motorists and it could be argued that clear digital pricing is something one expects to see at petrol stations. It is not held to be materially harmful to visual amenity. The illuminated BP Helios is considered to be acceptable but the three interchangeable panels are held to be excessive in illumination terms and will be conditioned to be non-illuminated.

#### Car Wash:

- 15.17 The same appeal decision noted above dealt with a selection of freestanding car wash signage and illuminated car wash fascia signs. These were refused by the Council and as before the decision was upheld by the Inspector. In this submission the car wash fascia sign and the car wash entry and exit signs are considered operationally essential by BP but in this instance the advertisements are only fascia mounted and are not illuminated. They are considered to be acceptable.



### The Poster Panels:

- 15.18 The flank of the shop that faces Ipswich Road has been kept free of advertisements.
- 15.19 The three poster advertisement frames where shop offers will be advertised are located on the shop front that faces the forecourt – one under the BP ‘Helios’ and two under the ‘Wild Bean Café’ sign. The agent was asked to remove these but their client considered the scheme as submitted to be the minimum level of advertising they would accept. On balance, these signs do not constitute advertisement clutter that is materially harmful to the point that a refusal of these elements would be sustainable at appeal. On that basis they are also held to be acceptable in visual amenity terms.
- 15.20 Whilst the objectors consider that the scheme is excessive and constitutes advertisement clutter officers consider that the scheme comprises a reasonable level of advertising and does not cause material harm to neighbouring amenity.

### Other Matters:

- 15.21 The Ward Member has noted the advertisements at the large BP filling station on the new Cuckoo Farm A12 Junction 28 and submits that in effect this proposal is more cluttered. Each case must be assessed on its own merits. In this instance the Junction 28 BP station is not directly relevant as it is a larger petrol station on a trunk road services, however it is noted that this BP has a taller totem, has the green illuminated LED strip running around the canopy fascia on both canopies, has illuminated canopy fascia ‘Helios’ symbols and has advertisements on the flanks of the building. It is therefore held that the proposed signage is less obtrusive than the A12 Junction 28 BP garage.
- 15.22 Many of the representations state that if the totem is acceptable there is simply no need for the other advertisements. It is not held that the other advertisements constitute clutter that is harmful to visual amenity and therefore this does not warrant a refusal.
- 15.23 It is vital to condition that the signs are not illuminated outside of opening hours. The Highway Authority and the Environmental Protection Team’s luminance condition is suggested to be combined into one condition for clarity.
- 15.24 It is not held that the removal of some of the trees and scrub to the rear of the site results in a situation that makes the proposed advertisements materially more harmful in visual amenity terms as the majority of the signs are designed to be seen from either Ipswich Road or inside the site. It is not held that this scheme will harm the outlook of residential neighbours nor the general living or sleeping conditions. The level of luminance will be dealt with by condition.
- 15.25 It is noted that comments relating to the concurrent licence application are not relevant to this scheme but have been passed to the licencing team. There is no planning reason to delay the determination of this advertisement consent application until licensing matters have been determined.

## **16.0 Conclusion**

- 16.1 Having regard to the above, it is your Officer's opinion that with the conditions set out below, the proposed signs would not result in material harm to the character and appearance of the wider area in visual amenity terms nor would they have a materially detrimental impact on public safety and are therefore considered acceptable.

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions:

## **18.0 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 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 15198-28 Rev C and 15198-A3-28 Rev D.

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 – Luminance**

The maximum luminance of the illuminated signs shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5 for Zone E2 which in this case is 300 Candelas per square metre (300cd/m<sup>2</sup>).

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway in the interests of highway safety and to prevent excessive illumination in the interests of visual amenity.

#### 4 - Flashing or Intermittent Display

Notwithstanding any details shown on the approved drawings, this permission does not authorise any flashing, intermittent or recurring form of illumination.

Reason: It is considered that these forms of illumination may cause harm.

#### 5 - Non-Standard Condition/Reason – No illumination of sections of Totemtem/Monolith

The signs permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: This is an area where illumination is not common and where unlimited or excessive use of lighting could be detrimental.

#### 6 - Non-Standard Condition/Reason – Sign illuminated only during opening hours

All of the signs shall be constructed in such a way as to make the sides impervious to the passage of light and shall be retained in this manner permanently.

Reason: To ensure that the signs do not spill light sideways to the detriment of visual amenity.

### 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) 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.

### 20.0 Positivity Statement

20.1 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.