



**Application No:** 152019

**Location:** Axial Way, Colchester

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

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**7.11 Case Officer: Daniel Cameron      Due Date: 12/11/2015**

**OTHER**

**Site:**                      **Axial Way, Colchester**

**Application No:**   **152019**

**Date Received:**   17 September 2015

**Applicant:**           Mrs Karen Leeson

**Development:**    100 metre hoarding is proposed around the edge of the Axial Way development site promoting Colchester Borough Councils 'Northern Gateway, as a destination for sports, leisure and entertainment

**Ward:**                  Mile End

**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 proposed advertisement in terms of its potential impact on the amenity of the area and on highway safety.

## **3.0    Site Description and Context**

- 3.1    Axial Way is located to the north of Colchester, immediately to the south of the A12. It provides an east – west link between the Severalls Lane and the new Via Urbis Romanae (NAR).
- 3.2    The area is characterised by the existing employment uses along the length of Axial Way with the built form of the area reflecting the functional nature of the buildings. The site forms part of the Northern Gateway development and advertisement consent is being sought to provide the site with enhanced presence and to announce the wider development within this part of the Borough.

## **4.0    Description of the Proposal**

- 4.1    The application proposes the erection of a 100m length of hoarding of 2 metres in height (with no illumination) along the road frontage and the display of advertisement for the Northern Gateway development upon it, at the junction of the Via Urbis Romanae and Axial Way.
- 4.2    The advertisement displays details of the Northern Gateway development including the web address so that members of the public can be informed of the progress of the development.

## **5.0 Land Use Allocation**

5.1 The land use allocation for the area is for employment uses.

## **6.0 Relevant Planning History**

6.1 The site was granted outline planning consent in 2006 for employment uses (B1, B2 and B8) under application numbers O/COL/01/1621, O/COL/01/1622, O/COL/01/1623, O/COL/01/1624, O/COL/01/1625 and O/COL/01/1626. These permissions allowed for a number of employment uses on the land including:

- 10,000 seater football stadium;
- A3 – Restaurant and Café;
- B1 – Business;
- B2 – General Industry;
- B8 – Storage or Distribution;
- C1 – Hotels ;and
- D2 – Assembly and Leisure.

6.2 The wider site has since seen the development of the Weston Homes Community Stadium, Inchsape Volkswagen, Jardine Toyota and the Flaktwoods factory. Consent was recently granted for the David Lloyd Tennis Centre to the east of the Stadium.

## **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

ENV1 – Environment

CE1 – Centres and Employment Classification and Hierarchy

CE3 – Employment Zones

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

DP1 Design and Amenity

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP10 Tourism, Leisure and Culture

## **8.0 Consultations**

- 8.1 The application was put out to consultation until the 9<sup>th</sup> October 2015 and was advertised on the Colchester Borough Council website.
- 8.2 Essex County Council, in their capacity as Highways Authority have not raised any objection to the proposed development subject to the addition of two standard informatives to the decision notice, however, they do note that no part of the development, including foundations, may be erected on land covered by highways rights.

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 Parish Council have not responded to consultation within the consultation period.

## **10.0 Representations**

- 10.1 No public representations were received during the consultation period.

## **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**

- 15.1 As an advertising consent, particular regard should be given to the impacts of the proposed signage on the amenity of the surrounding area and to issues of public safety.

- 15.2 In assessing an advertisement's impact on "amenity", regard has to be paid to the effect upon the appearance and visual amenity of the immediate area 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.
- 15.3 It is considered that the impact of the advertising on the surrounding area will be minimal. The immediate site is sparsely developed and removed from any other contextual development in the wider area. Advertising is not uncommon within the area with illuminated signage present at both nearby car dealerships and at the Weston Homes Community Stadium.
- 15.4 In assessing an advertisement's impact on "public safety", regard has to be given 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.
- 15.5 The proposed signage, by virtue of its location, is not considered to have an adverse impact on public safety, especially given that there is no illumination proposed and no objection has been received from the Highway Authority.

## **16.0 Conclusion**

- 16.1 Given the lack of impacts upon the amenity of the area and upon public safety it is recommended that Planning Committee approve the application subject to the conditions below.

## **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 site location plan and updated advertising design submitted to Colchester Borough Council on 18th September 2015 and on 22nd September 2015 respectively.

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

## 3 - \*No Illumination of Signs

Notwithstanding any details shown on the submitted site location plan and updated advertising design received by Colchester Borough Council on 18<sup>th</sup> September 2015 and on 22<sup>nd</sup> September 2015 respectively, this consent shall relate solely to the installation of non-illuminated signage.

Reason: For the avoidance of doubt as to the scope of this consent; in the interest of visual amenity.

## 4 - Removal of Temporary Hoarding

The hoarding hereby granted consent shall not be retained on the site after the expiry of 1 year from the date of this decision.

Reason: In order to ensure that this temporary artifact is not retained on site to the detriment of the surrounding environment.

## 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) **Highway Works** All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

(3) **Cost of Works** - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## **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.