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**Item No:** 7.1

**Application:** 240068

**Applicant:** Mr Michael Polom

**Agent:**

**Proposal:** Affix a 700mm x 600mm aluminium composite panel with a painted (/black finish) wooden frame complete with digitally printed graphics directing users to the secure bike park in portal precinct. To be affixed to the East-facing wall of 'fast stitch'

**Location:** Portal Precinct, Sir Isaacs Walk, Colchester, Essex, CO1 1JJ

**Ward:** Castle

**Officer:** Nicola Perry

**Recommendation:** Approve

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee for transparency and probity as it has been submitted by Colchester City Council.

## **2.0 Synopsis**

- 2.1 The application seeks advertisement consent to affix an aluminum composite panel with digitally printed graphics to the east-facing wall of 'Fast Stitch', to direct users to the secure bike park in Portal Precinct. The panel measures 700mm x 600mm and is edged with a wooden frame in a painted black finish. The key issue for consideration is the impact of the proposed advertisement upon amenity and public safety.
- 2.2 Having assessed the application against local and national legislation and policy in accordance with guidelines for advertisements, it is considered that the proposal would not cause any demonstrable harm to amenity or public safety.
- 2.3 The application is subsequently recommended for approval, subject to a set of standard conditions. All relevant issues are assessed in the report below.

## **3.0 Site Description and Context**

- 3.1 The application site comprises a commercial premises, currently occupied by Fast Stitch, located on the north side of Sir Isaac's Walk, at the entrance to Portal Precinct. Sir Isaac's Walk forms part of an attractive and quirky thoroughfare within the inner core of the city centre, featuring a number of independent shops and businesses with associated advertisements.
- 3.2 The premises is not a Listed Building, nor is it included on the Local Heritage List but is within proximity of several historically significant buildings. The site is also situated within the designated Colchester Conservation Area 1 and in proximity to a Scheduled Monument (below ground Town Wall remains).

## **4.0 Description of the Proposal**

- 4.1 Advertisement consent is required for a panel displaying digitally printed graphics in relation to the Bike Hub. The Bike Hub provides a secure bike park located in Portal Precinct. As per the submitted application form, the proposed advertisement comprises an aluminum composite panel, measuring 700mm in height by 600mm in width, with a depth of 25mm and is positioned at a height of 1000mm from the ground to the base. The design features a yellow background with black lettering/images and is edged with a black painted wooden frame. No illumination is included as part of the proposal.
- 4.2 The proposed advertisement is located on the east side elevation of Fast Stitch, a commercial premises located on the north side of Sir Isaac's Walk at the entrance to Portal Precinct. The panel would not be situated on a Listed

Building and therefore no other planning consent is required for its installation. The Applicant does not own the building to which the proposal relates, however the submitted application form confirms the requisite permission has been sought.

## **5.0 Land Use Allocation**

5.1 Within Colchester settlement limits.

## **6.0 Relevant Planning History**

6.1 There is extensive planning history for the site and surrounding area though none is pertinent to the current application.

## **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 Local Plan 2017-2033 Section 1**

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

### **7.3 Local Plan 2017-2033 Section 2**

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

ENV1 Environment  
TC2 Retail Frontages  
DM15 Design and Amenity  
DM16 Historic Environment  
DM21 Sustainable Access to Development

7.4 The site is not within a Neighbourhood Plan area.

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

- The Essex Design Guide
- External Materials in New Developments
- Shopfront 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.

### **Historic Buildings and Areas Officer**

- 8.2 The application is reviewed from a heritage perspective for its impact on the character and appearance of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 8.3 On the basis of the submitted details, it is regarded that the proposed sign would not result in harm to the street scene and the visual amenity of the Conservation Area. As such, there are no objections to the application on heritage grounds.

### **Essex Highway Authority**

- 8.4 The Highway Authority does not object to the proposals as submitted. They confirm that, as far as can be determined, the proposal will have no implications from a Highway perspective and therefore have no comment on the application. No conditions or informatives are requested.

### **Environmental Protection**

- 8.5 The Environmental Protection Planning team have no comment to make on the application.

## **9.0 Parish Council Response**

- 9.1 The area is 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. No written representation from members of the public (objections/or support) were received in response.

## **11.0 Parking Provision**

- 11.1 Parking provision would not be affected by this proposal.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. In considering the application, due regard has been given to the Local Planning Authority's duties under the Equality Act 2010. Representations have not been received identifying any specific equality implications potentially arising from the proposed advertisement and requiring additional consideration. The height of the proposal would appear to be suitable to be read by all users and it does not give rise to any other concerns from an accessibility or equality perspective.

## **13.0 Open Space Provisions**

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

## **14.0 Air Quality**

14.1 The site is outside of any Air Quality Management Area and will not generate any impact upon the zones.

## **15.0 Planning Obligations**

15.1 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.

## **16.0 Report**

16.1 Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) provides the legislative criteria for express consent for the display of advertisements.

16.2 The definition of "advertisement", for planning control purposes is "any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed partly or wholly for the purposes of, advertisement, announcement or direction." (Town & Country Planning Act, 1990, section 336)

16.3 As described in Paragraph 026 of the National Planning Policy Guidance (NPPG), Regulation 3 requires local planning authorities when determining an application under these provisions shall only exercise its powers in the interests of amenity and public safety, taking account of policies within the development plan, in so far as they are material, or any other relevant factors.

16.4 Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals.

16.5 Paragraph 141 of the National Planning Policy Framework (NPPF) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

16.6 The main issues in this case are:

- The Principle of Development
- Amenity
- Public Safety
- Other Matters

### **Principle of Development**

16.7 The principle of installing advertisements within the inner core of the city centre is established, with a high proportion of signage already present. The proposed advertisement would signpost members of public to the Bike Hub, to ensure users are aware of its location.

### **Design and Amenity**

16.8 Section 1 Local Plan Policy SP7: Place Shaping Principles states that all new development should respond positively to local character and protect and enhance assets of historical value.

16.9 In considering design and visual impact, Section 2 Local Plan Policies DM15, DM16 and ENV1 are particularly relevant. These policies seek to secure high quality and inclusive design in all developments, which respects and enhances the characteristics of the site, its context and surroundings and safeguards heritage and landscape features, as well as ensuring development protects public and residential amenity.

16.10 For the purposes of advertisement consent, the NPPG confirms that “Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. In practice, amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site where the advertisement is to be displayed, where residents or passers-by will be aware of it. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic scenic, architectural, cultural or similar interest.

16.11 The proposed advertisement would be located on a commercial premises, which already features signage, in an area of the city centre characterised by commercial/retail buildings. It would be limited to one side elevation of the building, thereby preventing a visually cluttered aesthetic. In terms of design, colour, size, form and use of materials, the proposed advertisement is considered acceptable in this location. The colour scheme is relatively bright but is intended to draw users’ attention to the secure bike park facility. Overall, given its limited scale, the proposed advertisement would not introduce an

unduly prominent feature, or significantly alter the character of the site in an unacceptable way.

- 16.12 The application site falls within Colchester Conservation Area 1 and in proximity to several Listed Buildings, as well as locally listed heritage assets. Specialist advice has therefore been sought from the Council's Historic Buildings and Areas Officer. They have responded with no objection to the proposed advertisement on heritage grounds, as it would not result in harm to the visual amenity of the Conservation Area.
- 16.13 The proposed advertisement is not overly obtrusive and is therefore not expected to have a negative impact on residential amenity, given the relationship and distance from any nearby properties. No illumination is included and so there are no concerns regarding light spill or pollution. Consequently, the proposed advertisement is not found to cause material harm to visual, public or residential amenity.

### **Public Safety**

- 16.15 In assessing an advertisement's impact on public safety, it is necessary to consider the effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water and in the air. Section 2 Local Plan Policy DM21 requires all development to maintain the right and safe passage of all highways users.
- 16.16 Paragraph 067 of the NPPG states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. Road safety problems are considered less likely, if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 16.17 The proposed advertisement does not project significantly beyond the plane of the building, being flush as far as practicable with no protrusions. It would be located within a predominately commercial/retail area within the city centre, amongst several other buildings displaying content relating to their respective premises or the locality. Therefore, the proposed advertisement would not appear particularly incongruous, nor could it be easily mistaken for traffic signs to pose a danger to highway safety. The graphics would attract passers-by to a certain degree (as they are designed to do) but is not anticipated to distract pedestrians or road users unnecessarily, or to a hazardous extent.
- 16.18 The Highway Authority have been consulted regarding the proposed advertisement and confirm they have no comment to make, as they do not consider it would have any implications from a Highway perspective. There are no other public safety issues. Consequently, there are no concerns that the proposed advertisement would pose a risk to public safety.

## **17.0 Planning Balance and Conclusion**

- 17.1 To summarise, the proposed advertisement has been assessed in accordance with guidelines for advertisements and is acceptable in terms of public safety and amenity, subject to the inclusion of standard conditions. The proposal accords with the Council's policy requirements, which are material considerations in so far as they relate to these matters and no objections have been received.

## **18.0 Recommendation to the Committee**

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of advertisement consent 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.

## **19.0 Informatives**

- 19.1 Not applicable.