



**Application:** 220865  
**Applicant:** Uk Media Ltd  
**Agent:** Mr Peter Johnson  
**Proposal:** Relocation of existing advertisement and erection of new 48 sheet billboard.  
**Location:** 115 Butt Road, Colchester, CO3 3DL  
**Ward:** New Town & Christ Church  
**Officer:** John Miles

**Recommendation:** Refusal

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

- 1.1 This application is referred to the Planning Committee because the application has been called in by Cllr Crow for the following reasons:

*The host property at 115 Butt Road has displayed various advertisements on its gable wall for well in excess of 30+ years for both functional and commercial purposes.*

*Whilst the property is on the edge of the recently adopted local conservation area known as Mill Field Estate none of the neighbouring properties are listed or sensitive.*

*The local planning authority are required to show a high degree of consistency in their decision making and when considering this particular application should take into consideration the most recent advertisement addition to the Colchester street scene at the junction of Harwich Road and St. Andrew's Avenue. This particular sign is a permanently illuminated billboard 24/7 and constantly digitally changing.*

*The proposed advertisement will comprise the latest technology using aesthetically pleasing materials, and, unlike the recently installed advertisement at the junction of Harwich Road and St. Andrew's Avenue will not be illuminated nor digital and will not cause light pollution.*

## **2.0 Synopsis**

- 2.1 As this is an application for consent to display an advert, the acceptability of the proposal should be considered on the grounds of amenity (including both visual and residential amenity) and public safety, (including highway safety).
- 2.2 For the reasons outlined in the body of this report, the proposed new billboard would be an obtrusive addition within a sensitive location and would result in harm to the character and appearance of the area, including the designated Mill Field Estate Conservation Area. The application is subsequently recommended for refusal.

## **3.0 Site Description and Context**

- 3.1 The application site is the south-west (side/gable) elevation of residential property 115 Butt Road. Due to the orientation of the dwelling relative to the highway and the lack of intervening built form the side elevation of 115 Butt Road is highly visible from various public viewpoints. There is a current sign to the side of the dwelling, advertising the adjacent Wilco Motorist Discount Store and Fast-Fit tyre and exhausts fitters. There is an area of forecourt parking directly to the south which serves the aforementioned commercial premises, while there are residential properties to the north, east and south. Importantly the site is within Colchester Conservation Area 5 Mill Field Estate. In addition to this, to the east of Butt Road is the Garrison Conservation Area.

## **4.0 Description of the Proposal**

- 4.1 The application seeks consent for the repositioning of the existing Wilco/Fast-Fit sign to an alternative position on the same elevation and the addition of a billboard 6.096 metres in width and 3.048 metres in height.

## **5.0 Land Use Allocation**

- 5.1 None

## **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 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 and is afforded full weight. The following policies are considered to be relevant in this case:

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

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

- 7.3 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character  
ENV1 - Environment

- 7.4 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

- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies are however not relevant in this instance.

- 7.6 The site is not in an area covered by a neighbourhood plan.

- 7.7 Submission Colchester Borough Local Plan 2017-2033:  
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete full and final examination, 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.

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 is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to complete a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):  
The Essex Design Guide  
Shopfront 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 Colchester Civic Society: Objects

*The Colchester Civic Society can see no justification for agreement to this application. Mistakenly the supporting documents claim this site is not covered by any planning restraints but this is not the case. It is quite definitely in the Mill Field Estate Conservation Area and we can see no justification for the vast increase in size for this hoarding. It would be a quite unwarranted and overwhelming expansion of the long standing dimensions of the signboard in one of the historic quarters of the town .*

8.3 Environmental Protection:

No objections raised.

8.4 Highway Authority:

No objections.

8.5 Historic Buildings & Areas Officer

Objects

## **9.0 Parish Council Response**

9.1 The site 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. Beyond the representations outlined above, no representations were received in response to the application.

## **11.0 Parking Provision**

11.1 Not applicable.

## **12.0 Accessibility**

12.1 In considering the application due regard has been given to the Local Planning Authority's duties under the Equality Act 2010. Representations received have not identified any specific equality implications potentially arising from the proposed development and requiring additional consideration. The proposal does not give rise to any other concerns from an accessibility or equality perspective more widely.

## **13.0 Open Space Provisions**

13.1 Not applicable.

## **14.0 Air Quality**

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts 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 The main issues in this case are outlined below.

### Amenity

16.2 When considering amenity relevant factors include, but are not necessarily limited to, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

16.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) stresses that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 199 of the National Planning Policy Framework (2021) determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

16.4 Core Strategy policies UR2 and ENV1 set out the Council's commitment to enhancing Colchester's unique historic character and Policy UR2 requires proposals to demonstrate a high quality of design and states that, amongst other things, Conservation Areas shall be protected from inappropriate development. Policy DP14 states that development will not be permitted that will adversely affect a listed building or conservation areas and that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance, unless there are no identifiable opportunities available. These sentiments are echoed by emerging Section 2 Local Plan Policy DM16 and Section 1 Policy SP 7 which require all development to meet high standards of urban and architectural design, respond

positively to local character, enhance the quality of existing places and protect and enhance assets of historical value. Development Policy DP1 sets out the design criteria that new development must meet, including respecting and enhancing the character of the site, its context and surroundings.

- 16.5 With regards to proposals for advertisements specifically NPPF paragraph 136 states amongst other things that the quality and character of places can suffer when advertisements are poorly sited and designed, and that cumulative impacts should be taken into consideration.
- 16.6 Taking into account the position of neighbouring properties, the absence of proposed illumination and in the absence of objections from Environmental Protection, the proposal does not give rise to any concerns from a residential amenity perspective. There are however serious concerns from a visual amenity perspective.
- 16.7 The existing sign to the side elevation of 115 Butt Road does not contribute positively to the visual amenity of the area in its current form. The adverse impact to visual amenity caused by the existing sign is further compounded by the large amount of existing signage to the adjacent commercial premises and which are visible and read in conjunction with one another, with a resulting detrimental cumulative impact. The Mill Field Estate Conservation Area "Conservation Area Character Statement & Management Proposals" that was formally adopted when the Conservation Area specifically notes that the large garage buildings at the junction of Butt Road and Wickham Road are an alien feature that erode the character of the area. The buildings are particularly conspicuous, not only because of their form and design that clashes with the predominant architecture within the Conservation Area, but also by virtue of the amount and design of the signage that exacerbates their appearance.
- 16.8 The Management Proposals for the Mill Field Estate Conservation Area advises that signage should be small and discreet and clarifies that large plastic signs, advertisement, banners and other intrusive modern signage will be resisted by the Council.
- 16.9 The application does not propose the removal of the existing sign to the gable wall, or indeed look to make any marked improvements to the appearance of the existing signage in the locality, instead it looks to relocate the existing sign to a more elevated position where it is anticipated it will be even more conspicuous than at present, to the further detriment of the visual amenity of the area.
- 16.10 In addition to this it is considered the new billboard proposed to be affixed to the gable wall and which the existing sign is proposed to be repositioned to accommodate, will be demonstrably harmful to the visual amenity of the area in its own right.

- 16.11 While the proposed billboard is not detailed to be illuminated, by virtue of its scale, position and general form it is nonetheless considered to represent an overly dominant and disruptive addition within the street scene. The proposed billboard is a wholly inappropriate and discordant addition in this sensitive location, with the site prominently positioned within the Mill Field Road Conservation Area and adjacent to the Garrison Conservation Area.
- 16.12 The addition of further advertisements in this location would also only further contribute to the detrimental impact on the amenity of the area caused by the existing signage in the vicinity. The resulting cluttered appearance of the gable wall and the cumulative impacts arising from the addition of a further large advertisement would result in demonstrable harm to the visual amenity of the area and the billboard would aggravate the appearance of the junction which is already problematic.
- 16.13 For these reasons, the proposed development is expected to result in a level of harm to the character and quality of the designated Mill Field Estate Conservation Area. This harm can be classified as less-than-substantial towards the higher end of the spectrum for the Mill Field Estate Conservation Area. The proposal's impact would also extend to the Garrison Conservation Area across the street, as the billboard would intrude in the views of the east frontage of Butt Road and would also adversely affect its townscape quality.
- 16.14 According to the NPPF's Paragraph 201, the application needs to provide robust justification for this harm, while Paragraph 202 requires that this harm should be weighed against public benefits of the proposal. The submitted elevations detail the removal of two signs and a satellite dish to the side of 115 Butt Road, however following a site visit it is clear that the existing elevation submitted is inaccurate and the two smaller signs identified for removal do not exist. Notwithstanding this it is not considered any such supposed benefits of the 'renovation' of the gable wall to which the billboard is proposed to be affixed would significantly and demonstrably outweigh the harm to the visual amenity of the area that has been identified above. There is therefore no clear and convincing justification for the harm associated with the proposals, and it has not been demonstrated that the harm arising from the proposals can be outweighed by any public benefits arising from the scheme.
- 16.15 In conclusion, for the reasons above the proposal will result in unjustified harm to the visual amenity of the area and so too the character and appearance of the Conservation Areas. The proposal therefore fails to accord with relevant national and local policy, including the Management Proposals for the Conservation Area which aim to protect its character and significance. In addition to this the proposal is held to fail to meet the statutory tests for the preservation or enhancement of the Conservation Areas.



### Public safety

- 16.16 In assessing the impact on "public safety", regard should be had to the effect upon the safe use and operation of any form of vehicular 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.
- 16.17 The Highway Authority have been consulted and raised no objections to the proposal and there are no concerns that the proposal will impact the safety of persons using the highway. The proposals also do not raise any concerns with regards to public safety more widely.

### Other Matters

- 16.18 It is noted that comparisons have been drawn between the proposal and an existing billboard on Harwich Road. Notwithstanding that this proposal should be considered on its own merits, it is also considered there are important differences in both the context and history surrounding the application site and the billboard located on Harwich Road.
- 16.19 While the digital billboard on Harwich Road has only relatively recently been granted approval (application 191265) it replaced a previous billboard that had been in situ for well in excess of ten years. With the exception of its illumination the replacement billboard is similar to that previously in place at the same location. The site context at Harwich Road is also very different, with the billboard on Harwich Road in a location with a more varied character than Butt Road, and importantly unlike the application site not sited within a Conservation Area.
- 16.20 For these reasons it is not considered the billboard on Harwich Road referenced, or indeed any other examples of billboards in the borough identified by the applicant set a precedent for the advertisements proposed. It is also not considered a refusal of this application presents any issues with regards to consistency of decision making, taking into account the circumstances of the case.

## **17.0 Conclusion**

- 17.1 To summarise, the absence of harm identified in relation to public safety is a considered a neutral factor, while the demonstrable harm identified to the visual amenity of the area and the character and appearance of the Conservation Areas weighs heavily against the proposal. With the application found to fail to comply with both local and national policy, in addition to failing to meet the statutory tests for the preservation or enhancement of

Conservation Areas, accordingly the application for advertisement consent is recommended for refusal.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

REFUSAL of planning permission for the reason set out below:

Paragraph 136 of the National Planning Policy Framework (2021) acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.

Policy DP1 of the Colchester Borough Development Policies (adopted 2010, amended 2014) and Policy UR2 of the Colchester Borough Core Strategy (adopted 2008, amended 2014) seek to ensure a high standard of design and for development to respect and enhance the character of the site, visual and residential amenity.

Policy UR2 further states that Conservation Areas shall be protected from inappropriate development, while Policy DP14 of the Colchester Borough Development Policies (adopted 2010, amended 2014) states that development will not be permitted that will adversely affect Conservation Areas and that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance, unless there are no identifiable opportunities available.

These sentiments are echoed by Emerging Local Plan: Section 2 Policy and Section 1 Local Plan (2021) Policy SP 7 which require all development to meet high standards of urban and architectural design, respond positively to local character, enhance the quality of existing places and protect and enhance assets of historical value

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) stresses that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 199 of the NPPF determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The proposed elevated position of the existing sign detailed to be retained will result in this sign being even more conspicuous than at present, to the detriment of the visual amenity of the area.

In addition to this, the proposed new billboard will by virtue of its scale, position and general form represent an overly dominant and disruptive addition within the street scene and is a wholly inappropriate and discordant addition in this sensitive location,

with the site prominently positioned within the Mill Field Road Conservation Area and adjacent to the Garrison Conservation Area.

The harm caused by the addition of further advertisements in this location is only exacerbated by the existing signage in the vicinity, with a resulting cluttered appearance and harmful cumulative impacts.

For the reasons above the proposal will result in harm to the visual amenity of the area and so too cause harm to the character and appearance of the Conservation Areas. The proposal therefore fails to accord with relevant national and local policy outlined above. In addition to this the proposal is held to fail to meet the statutory tests for the preservation or enhancement of Conservation Areas.