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Item No: 7.2

Application: 230959
Applicant: Colchester City Council
Agent: Mrs Alison Fogg
Proposal: Poster to fit in window space of retail unit.
Location: Foundation House, 1 Long Wyre Street, CO1 1LH
Ward: Castle Ward
Officer: Daniel Bird

Recommendation: **Advert Consent** be granted

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee due to the applicant being Colchester Borough Council.

2.0 Synopsis

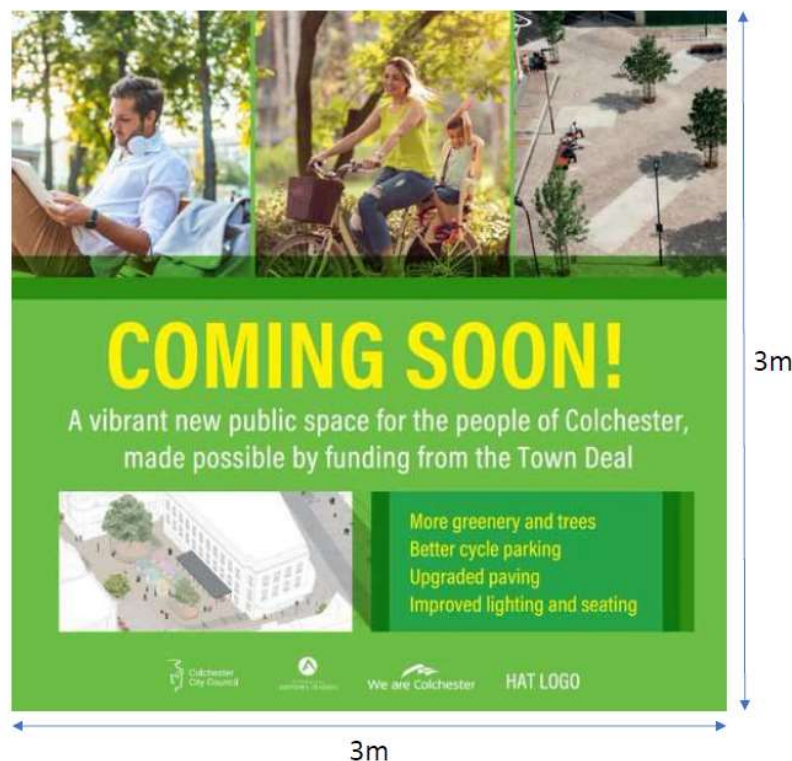
- 2.1 This application seeks advertisement consent for a poster in a retail unit window. The key issues for consideration are amenity and public safety.
- 2.2 The application is subsequently recommended for Approval, subject to conditions.

3.0 Site Description and Context

- 3.1 The application site is located on the corner of Long Wyre Street and Culver Street East. The site falls within Conservation Area 1, with the surrounding area formulated of retail usage, public realm, and limited residential units.

4.0 Description of the Proposal

- 4.1 Advertisement consent is sought for the installation of a poster in the window of the retail unit, which highlights the upcoming public space regeneration project. The poster will measure 3 metres by 3 metres and be affixed to the window of the retail unit known as Foundation House.



5.0 Land Use Allocation

5.1 Window of existing retail unit

6.0 Relevant Planning History

6.1 There is not particularly recent or relevant planning history in relation to this 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:

- 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

7.4 The application site does not fall 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

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 The Civic Society have raised no objection.
- 8.3 The Historic Buildings and Areas Officer has raised no objection to the proposal.
- 8.4 The Highways Officer has raised objection to the detail provided within the application.

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. 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.

No representations from interested parties have been received.

11.0 Accessibility

- 11.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

12.0 Planning Obligations

- 12.1 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.

13.0 Report

- 13.1 Regulation 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.
- 13.2 The National Planning Policy Framework (NPPF) confirms (at paragraph 132): "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which

is simple, efficient, and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

Public Safety

- 13.3 The National Planning Practice Guide (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. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems 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.

- 13.4 Development Plan policy DM21 requires all development to maintain the right and safe passage of all highways users.

In this case, the poster would be located on the in the shop window of the retail unit known as Foundation House. The poster would be affixed to the surface of the window, therefore it would not protrude beyond the existing face of the building. As a result, the poster is not considered to be distracting or obtrusive to passing pedestrians or vehicular traffic.

The Highway Authority have been consulted as part of the application and whilst they have raised concerns, the poster would be located in a primarily pedestrianised area and the nature of the signage as non-illuminated, is not considered to be distracting to drivers.

Amenity

- 13.5 The NPPG confirms that “Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).
- 13.6 It is, however, a matter of interpretation by the Local Planning Authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
- 13.7 In assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural, or

cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

13.8 In considering the design and character, Local Plan policies ENV1 and DM15 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.

13.9 The proposed signage is of a muted palette which would not be overly dominant within the surrounding area. Furthermore, due to its scale and siting, this is not considered to result in an overly dominant or incongruous addition that would significantly alter the character of the site and as such is not considered to have a detrimental impact on the character and appearance of the site or surrounding area.

14.0 Conclusion

14.1 Taking into account, the above assessment of the advertisement, it is considered, subject to conditions, the proposed interpretation panel would be acceptable in terms of public safety and amenity.

15.0 Recommendation to the Committee

15.1 The Officer recommendation to the Committee is for:

Consent to display the advertisement be granted, subject to the following conditions:

1. **Standard Advertisement 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.

Informatives

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at development.management@essexhighways.org or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.