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Item No: 7.3

Application: 220717

Applicant: Colchester Borough Council

Agent: Jane Thompson

Proposal: Replacement of existing 'fixing the link' flags with small change to design.

Location: North Station Road & North Hill, Colchester

Ward: Castle

Officer: Phillip Moreton

Recommendation: **Approval**

1.0 Reason for Referral to the Planning Committee

1.1 The Advertisement consent application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

2.1 The application for advertisement consent for the erection of 20 flags on lamp posts has been assessed leading to the conclusion that the proposal is acceptable, and that conditional approval is recommended. It is not considered there would be a detrimental impact on visual or residential amenity and there would be no detriment to public safety, including highway safety.

3.0 Site Description and Context

3.1 North Station Road and North Hill are located within the urban area of the town within the Colchester settlement boundary and Colchester Conservation Areas No.1 (Town Centre) and 4. North Station Road.

3.2 Colchester Borough Council (CBC) is undertaking the replacement, with an updated design, of 'Fixing the Link' flags which provide a wayfinding link from Colchester North Station to the Colchester Town centre.

4.0 Description of the Proposal

4.1 The signage will be located on lamp posts on the A134, North Station Road, Middleborough and North Hill which is the route from Colchester North Station to Colchester town centre. The signs will be evenly spaced on lampposts along the route providing wayfinding for pedestrians and cyclists between the Colchester North station and the town centre.

4.2 The proposed signage messaging includes the following variations

- (1) Blank yellow signs with elephant motif.
- (2) Arrow with text of either Town Centre or Railway station, with a time to walk in minutes and elephant motif.

5.0 Land Use Allocation: N/A

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 is adopted (Feb 21) 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
- SP6 Infrastructure & Connectivity
- 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:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

PR2 - People-friendly Streets

TA2 - Walking and Cycling

- 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

- 7.5 There are no relevant adopted Site Allocations (adopted 2010) policies that should be taken into account in the decision making process.
- 7.6 There are no relevant Neighbourhood Plans that should be taken into account in the decision making process.
- 7.7 Adopted Local Plan and Emerging Local Plan Status – April 2021

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to be examined, with hearing sessions scheduled for two weeks between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

Emerging Section 2 Local Plan

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 submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 progressed to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as comments from Planning Inspector has yet to be issued, 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.

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
Better Town Centre SPD

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 Highways Authority:

Still awaiting a consultation response at the time of writing of this report. Any consultation response will be made available to members via the amendment sheet.

8.3 Environmental Protection:

No Objections

9.0 Parish Council Response

9.1 non-Parished n/a

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties. No representations were received in response to the application.

11.0 Parking Provision

11.1 N/A

12.0 Accessibility

12.1 N/A

13.0 Open Space Provisions

13.1 N/A

14.0 Air Quality

14.1 The wayfinding is intended to encourage walking and cycling and reduce trip generation by the private car. There may be an indirect positive impact on air quality in the town centre consequently.

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:

- Amenity
- Highway Safety

- 16.2 Paragraph 67 of the NPPF states that “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”
- 16.3 In assessing a sign’s impact on "amenity", regard should be given to the effect on the appearance of visual amenity in the immediate neighbourhood where it is to be displayed and also consideration of any impact upon residential amenity. 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.
- 16.4 The signs have been carefully designed to appear similar to the current ‘fixing the link’ signs that deliver information to the public walking on the footways, with yellow backgrounds and grey text. It is considered that the format and design of the signs will be familiar in an urban environment. No adverse visual impact will consequently result from the proposals.
- 16.5 The flags are replacements for the existing fixing the link flags with a small change to design, it is considered that the proposed flags will have a neutral impact on the visual amenity of the area, including the character and appearance of the Conservation Area.
- 16.6 The replacement flags are not considered to have a materially adverse impact on the setting of any listed buildings on the proposed route.
- 16.7 The proposed flags are to be 0.6 metres in width x 2.2 metres in height, set 3.5 metres above finished floor level and attached to Lamp columns. As the proposed flags are a direct replacement of the existing flags, it is considered that they are acceptable.
- 16.8 The proposed signs are replacement of current ‘fixing the link’ signage along the proposed signage route therefore, the proposed is not considered to have a cumulative negative impact on the visual amenity of the area.
- 16.9 The Council’s Environmental Protection team have not raised any concerns therefore it is not considered that the signs would result in any harm to residential amenity.
- 16.10 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.

16.11 On the basis of current information, the proposed signs are not considered to have an adverse impact on the highway safety, subject to the Highway Authority's consultation response. At the time of writing we are still awaiting a consultation response from the Highway Authority. Any consultation response will be made available to members via the amendment sheet. Given that the signs are a replacement for existing signs that have not resulted in any attributable accidents, it seems unlikely that an objection will be raised on safety grounds.

17.0 Conclusion

17.1 To summarise, the proposed alternative signage is not considered to be harmful to visual and residential amenity or to public safety including highway safety. The proposals are therefore considered to comply with the guidance set out in the NPPF and development plan policies which are material considerations in so far as they relate to amenity.

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

2. The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers A1030 REV 00, A1031 REV 00, A1032 REV 00, A1033 REV 00 and drawings named LAMP POST BANNERS and REPLACEMENT LAMP POST BANNERS.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

19.1 Informatives

19.1 No informatives are also recommended: