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Item No: 7.1

Application: 240206

Applicant: Mr Scott Gray-Chick

Agent: Colchester City Council

Proposal: Hoarding at the front of building site boundary. Already installed with a illustrative graphic which we wish to update to promote the Levelling Up project which is being built.

Location: Bus Depot, Queen Street, Colchester, Essex, CO1 2PQ

Ward: Castle

Officer: Kelsie Oliver

Recommendation: Approval

- 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 a hoarding at the front of building site boundary. Already installed with a illustrative graphic which we wish to update to promote the Levelling Up project which is being built. The key issues for consideration is the impact of the proposed advert upon amenity, public safety, impact to Conservation Area and the setting of the nearby listed building.
- 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 forms part of the former Bus Depot located within Queen Street. The application site is located within a predominately largely commercial/ retail location.
- 3.2 The premises is located adjacent to a Listed Building and within the designated Colchester Conservation Area 1 and is in close proximity to (Roman Wall remains)
- 4.0 Description of the Proposal**
- 4.1 Advertisement consent is required for the hoarding at the front of the site area. No illumination is included as part of the proposal. The hoarding would measure approximately 2.2 metres in height, 20.1metres in width and 0.15m in depth. The height measures approximately 0.3metres from ground level, the maximum projection would measure approximately 1.56 metres and the maximum height of the individual letters and symbols would measure 28 cm. The illustrations to the hoarding would be white and blue.
- 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 most pertinent to the current application is 202780: Demolition of former bus garage and erection of new office/studio space and cafe bar for the creative digital sector.
- 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
DM15 Design and Amenity
DM16 Historic Environment
DM21 Sustainable Access to development

7.4 The site is not within a Neighborhood Plan area.

7.5 Some "allocated sites" also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision-making process:

TC3 Town Centre allocations

7.6 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
Colchester City Centre Masterplan

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.

9.0 Parish Council Response

- 9.1 Non parish

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 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 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 city centre is established, with a high volume of signage already present. The proposed advertisement would make members of public aware of the re-development of the former bus depot and promote awareness of the Levelling Up project.

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 the premises of the former bus depot, 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 the creation of 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 attention to the public. 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. The signage is also essentially temporary in nature.
- 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 any negative impact on residential amenity, given the relationship and distance from any nearby properties. No illumination is included and consequently there are no concerns regarding light spill or pollution. In conclusion, the proposed advertisement is not found to cause material harm to visual, public or residential amenity.

Public Safety

- 16.14 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.

- 16.15 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.
- 16.16 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.
- 16.17 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 condition:

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.

19.1 Informatives

19.1 Not applicable.