

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	01/08/18
Planning Development Manager authorisation:	AN	2/8/18
Admin checks / despatch completed	me	03/08/18

Application: 18/00960/ADV **Town / Parish:** Frinton & Walton Town Council

Applicant: Kilo Properties

Address: Land Site of Former Martello Caravan Park Kirby Road Walton On The Naze

Development: No.3 signs on building, Trolley Bay Signs and Freestanding Totum sign.

1. Town / Parish Council

Frinton and Walton Town Council APPROVAL

2. Consultation Responses

ECC Highways Dept
(Dated 11 July 2018)

HOLDING RESPONSE: REQUEST FOR ADDITIONAL INFORMATION

Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

The applicant should be invited to provide such additional information as listed below:

1. The extent of land the owners of the site will offer for adoption into the highway network (may affect the location of the totem sign)
2. The locations and positioning of the proposed means of external illumination

Upon receipt, the Highway Authority may properly consider this proposal.

Informative1: Arthur Ransome Way has not yet been adopted into the highway network but is intended to be and clarification is now sought for the proposed signage.

ECC Highways Dept
(Dated 1 August 2018)

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The maximum luminance of the internally illuminated signs shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 600 Candelas per square metre (600 cd/m²).

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development

lighting scheme, location and appearance of external plant and machinery, boundary treatments including facing details of retaining walls) of 18/00099/FUL.

94/00012/AGRIC	Height increase to fire-damaged farm building	Determination	21.06.1994
18/01149/ADV	Proposal for 3 x internally illuminated signs, 2 x posterboard signs, 1 x vinyl logo sign & 3 x vinyl graphic signs.	Current	
18/01231/DISCON	Discharge of Conditions 9 (foul water strategy) and 10 (surface water strategy) of 18/00646/FUL.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN18B Advertisement Control

QL9 Design of New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In

general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is the former Martello Caravan Park, to the north-eastern section of Kirby Road within the parish of Walton-on-the-Naze. The building in question is for a Marks and Spencer's Food hall as approved within planning permission 17/01090/FUL. The surrounding area is largely urban in character with a range of commercial and residential properties. The site falls outside of a recognised Settlement Development Boundary within the Saved Tendring District Local Plan (2007) but falls within the Walton-on-the-Naze Settlement Development Boundary within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

The application seeks advertising consent for the following:

1. 2 x signs to be located on the southern and western elevations with face illuminated white and grey lettering, measuring 1.75 metres in height and 2.7 metres in width;
2. 1 x sign to be located on the northern elevation with halo illuminated black lettering, measuring 1.8 metres in height and 2.7 metres in width;
3. 3 x trolley bay signs on white lettering to a black background;
4. 1 x totem sign to be located to the southern corner with halo illuminated signage with black lettering on a white background, measuring 4.8 metres in height, 1.6 metres in height and 0.3 metres in depth.

Appraisal

With regard to outdoor advertisements, Paragraph 132 of the National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. Such adverts should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Saved Policy EN18b states proposals for advertisements should be well designed and sited and respect their surroundings.

Saved Policy QL9 and emerging Policy SPL3 state all new development must make a positive contribution to the quality of the local environment, and must relate well to its site and surroundings particularly in relation to its siting and scale.

Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) 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.

As a result the main considerations are the impact on public amenity and highway safety.

Amenity

The various proposed signage will be situated across all elevations so will be publically visible. The majority of the signs are illuminated, however under planning permission 15/01714/FUL the proposed layout for the site shows the immediate surrounding area will be characterised by retail and employment uses, with residential units located to the north away from main visibility of the totem sign and store signage. Therefore the harm will not be detrimental enough to warrant a reason for refusal.

For the above reasons it is considered that the proposal would not cause harm to public amenity.

Highway Safety

The Highways Authority has been informed and has stated that the proposal is acceptable subject to a condition relating to the maximum luminance of the signage.

Other Considerations

Frinton and Walton Town Council recommend approval.

No letters of representation have been received.

Conclusion

In the absence of any material harm to public amenity and highway safety resulting from the development, this application for advertisement consent is recommended for approval.

6. Recommendation

Approval.

7. Conditions

1 All advertisement consents are subject to five standard conditions specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are as follows: -

1. 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.

2. No advertisement shall be sited or displayed so as to
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additionally all advertisement consents are for a fixed term of 5 years unless this period is varied on the formal decision notice.

2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers S/4046/18/PL-00, 411, 412, S/4046/18/BR-02 Revision C and P181-362-01.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 The maximum luminance of the internally illuminated signs shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 600 Candelas per square metre (600 cd/m²).

Reason: To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging or adjacent to the highway which is considered to be an obstruction or a hazard to the safe and convenient passage of the public in the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.