

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/09/2018
Planning Development Manager authorisation:	<i>AN</i>	<i>18/9/18</i>
Admin checks / despatch completed	<i>AN</i>	<i>15/9/18</i>

Application: 18/01075/ADV

Town / Parish: Ardleigh Parish Council *ER*

Applicant: Ms Sue Carter

Address: Haddocks Fox Street Ardleigh

Development: Retrospective consent for replacement fascia signs and totem signs including the relocation of the directional sign and 1 additional fascia sign.

1. Town / Parish Council

No comments received.

2. Consultation Responses

ECC Highways Dept
AMENDED COMMENTS

AMENDED RED LINE BOUNDARY AND LOCATION PLAN
NUMBERED HY045 BLOCK PLAN 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 sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 300 Candelas per square metre (300cd/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 Management Policies February 2011.

2 All development shall be entirely and maintained clear of the limits of the highway.

Reason: To preserve the integrity of the highway in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

ECC Highways Dept
ORIGINAL COMMENTS

The Highway Authority observes that the red line boundary encloses land considered to be highway and that signs 3, 4 and 5 are within that land which isn't permitted and would contravene the Highways Act 1980.

The Highway Authority could give favourable consideration to a similar proposal which showed the proposed signs located off highway land.

3. Planning History

00/01219/FUL	1) Change of use residential to display of motor vehicles 2) Erection of new workshop	Approved	15.09.2000
01/00703/FUL	Change of use (stopping-up order) from highway to access and parking	Approved	02.07.2001
95/00202/ADV	(Hyundai-Haddock, Fox Street, Ardleigh) Double sided pylon	Approved	19.05.1995
96/01452/FUL	() Demolition of detached bungalow, change of use of land from residential to industrial use, general internal alterations, single storey extension to the showroom and offices and alterations to the forecourt and rear	Approved	02.01.1997
02/01990/FUL	Construction of a new showroom and extension to existing workshop to form reception area	Approved	18.12.2002
03/02486/ADV	Illuminated Pylon Sign	Approved	26.02.2004
06/00264/FUL	Removal of Condition 04 of 01/00703/FUL.	Approved	12.04.2006
90/00268/FUL	New extensions to form service reception area and car valet area together with internal alterations and alteration to shop/office frontage.	Approved	20.04.1990
07/00892/ADV	Replacement illuminated fascia and pylon signs	Approved	20.07.2007
07/01286/FUL	Change of use of land from agricultural to use for open storage relating to existing car sales and service.	Refused	26.09.2007
08/00030/FUL	Change of use of land from agricultural to use for open storage relating to existing car sales and service.	Approved	03.03.2008

09/00703/FUL	Variation of Condition 05 attached to planning permission 08/00030/FUL to allow a re-positioning of loading / unloading area.	Approved	08.09.2009
09/01336/FUL	Erection of part two storey, part single-storey front extension to vehicle showroom; new parapet; external cladding and associated alterations.	Approved	02.03.2010
10/01143/ADV	Sign 1: Illuminated fascia sign 17910x800mm. Sign 2: Illuminated fascia sign 7600x800mm. Sign 3: Free standing entrance gate 3860x3200mm with an illuminated logo. Sign 4: Free standing pylon sign 1715x5000mm with illuminated logos and letters. Sign 5: Free standing pylon sign 1250x3500mm with illuminated logos & letters. Sign 6 Free standing non-illuminated directional sign 100x1500mm. Sign 7: 3 off free standing non-illuminated signs 1200x1500mm.	Approved	09.12.2010
11/00189/FUL	Change of use of land from agricultural to use for open storage relating to existing car sales and service. (Extension of time of previously approved 08/00030/FUL).	Approved	13.04.2011
14/00348/DISCON	Discharge of condition 02 (landscaping scheme) of planning permission 11/00189/FUL.	Approved	23.09.2014
15/00691/FUL	Proposed single storey extension to rear of existing showroom.	Approved	30.06.2015
17/00742/FUL	Proposed erection of an extension to the showroom, and the erection of a valet building following the demolition of existing valet/showroom building.	Approved	19.07.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN18B Advertisement Control

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

CP2 Improving the Transport Network

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 (including Site Description and Proposal)

Site Description

The application relates to "Haddocks" the Hyundai car showroom on the north-western side of Fox Street, Ardleigh. This site is outside of defined the Settlement Development Boundary for the area. The site contains a car showroom and sales buildings, an associated detached single storey office building at the rear of the site, a valet building to the north-eastern boundary and a workshop area to the rear.

To the north-east of the site is the A120 and to the south-west is the only immediate neighbour being a detached chalet bungalow with a shared boundary comprising a close boarded fence (1.8m height) and a dense, nature hedge in excess of 2.5m in height.

Proposal

The application seeks retrospective advertisement consent for 5 replacements and 1 new sign as follows;

Front and side elevations of the main building:

Sign 1A - Fascia) Bronze ACM face trays with a groove line routed out fitting onto an aluminium back frame. Acrylic. Bronze background. Non-illuminated.

Sign 1B - (Fascia) Bronze ACM face trays with a groove line routed out fitting onto an aluminium back frame. Bronze background. Non-illuminated.

Sign 1C - (Fascia) Bronze ACM face trays with a groove line routed out fitting onto an aluminium back frame. Bronze background. Non-illuminated.

Sign 1D - (Fascia) Bronze ACM face trays with a groove line routed out fitting onto an aluminium back frame. Acrylic logo & letters internally illuminated by white LEDs. Bronze background white logo & letters. Static illumination at 300.00 cd/m.

Sign 1E - (Fascia) Bronze ACM face trays with a groove line routed out fitting onto an aluminium back frame. Acrylic logo & letters internally illuminated by white LEDs at 300.00 cd/m. Bronze background white logo & letters.

Front elevation/entrance of the main building;

Sign 2 - Entrance Gate - ACM face panels mounted onto a mild steel subframe which is bolted into a concrete base. Acrylic logo & letters internally illuminated by white leds. Brown background white logo & letters. Static illumination at 300.00 cd/m.

Freestanding Totem to the south eastern frontage of the site:

Sign 3 - Totem ACM face trays fitting onto a mild steel sub frame. Acrylic logo & letters internally illuminated by white LEDs. Brown background white logo & letters. Static illumination at 300.00 cd/m.

Freestanding Totem to the south western frontage of the site:

Sign 4 (Totem) ACM face trays fitting onto a mild steel sub frame. Acrylic logo & letters internally illuminated by white LEDs. Brown background white logo & letters. Static illumination at 300.00 cd/m.

Freestanding Totem to the south western / central frontage area of the site (NEW LOCATION):

Sign 5: (directional) - ACM face trays fitting onto a mild steel sub frame. Brown background white logo & letters. Static illumination at 300.00 cd/m. Brown background white logo & letters. Static illumination at 300.00 cd/m.

North eastern facing side elevation of the main building (NEW);

Sign 6 : Illuminated ACM service sign. Acrylic logo & letters internally illuminated by white leds. Brown background white logo & letters. Static illumination at 300.00 cd/m.

Appraisal

With regard to outdoor advertisements, Paragraph 132 of the National Planning Policy Framework 2018 (NPPF) states that only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to a detailed assessment by the local planning authority, and such adverts should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Saved Policy EN18b of the adopted Tendring District Local Plan 2007 supports this requiring such applications to be well designed and respect their surroundings, not endanger traffic, not be detrimental to the amenities of residents, and not result in a detrimental visual impact.

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

Public Amenity

The site is a well-established car dealership with previously approved signage on the buildings and around the site. Whilst it is recognised that the site is within an out of town location, the signage replaces previously approved signage on a like-for-like basis with only one small addition to the inward facing elevation of the main building away from public view.

The signs are part of the rebranding and refurbishment of the showroom and site. The signs therefore replace the existing signs to the showroom facade and the totem signs to the frontage. The totem signs are of the same height and luminance as the previous. This ensures that the visual impact of the new signage is neutral. The directional sign has been relocated but is in close

proximity to the main sales building set back from the highway and is not visually prominent or harmful.

Highway Safety

The Highway Authority originally raised an objection to the development as the site encroached onto highway land. This has since been rectified and a new red lined site plan submitted.

The standard maximum luminance condition will be imposed to ensure that glare and dazzle is not caused to traffic in the adjoining highway in the interests of highway safety.

Other Considerations

No comments have been received from Ardeleigh Parish Council.

1 letter of objection has been received from the neighbouring property. The majority of the complaints raised relate to the noise from the workshops, disturbance and congestion from traffic movements and light pollution from existing spotlights. These all relate to the use of the site and cannot be taken into consideration as this is for advertisement consent only.

The objections raised also include concerns relating to the illuminated signs being of out keeping in rural location with no street lights.

As the signs are like-for-like replacements in terms of size and luminance (with only one small additional away from the neighbouring dwelling) there can be no objection to the signs themselves as the impact would be neutral. The maximum luminance can be controlled by way of condition. It would be unreasonable to control the timings of the advertisement illuminations as they are like for like replacements being no more harmful than the existing with no previously restrictive conditions. The complaints raised in relation to the workshops and associated security lighting may be covered by environmental health legislation and the objector is advised to forward concerns to the appropriate department.

Conclusion

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

6. Recommendation

Approval - Advertisement Consent

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: HY045 BLOCK PLAN 2018 Revision B, HY045 NEW GDSI PLANNING 2018, HY2014 1M FASCIA, 1005X1100 SIGN, 2014 5M PYLON, HYUNDAI GDSI Entrance and 2014 4.2M PYLON.

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

- 3 The maximum luminance of the signs shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².

Reason - To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety.

8. Informatives

Highways Informatives

1. Any sign or overhang of any part of the highway may require the structure to be licensed under Section 177 or 178 of the Highways Act, 1980 which will incur a charge of £725.00. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway. Contact should be made with the Highway Authority on 0845 603 7631 in order to identify the extent and nature of the highway in the vicinity of the application site prior to any works being undertaken.

2. No part of any sign, including any foundations required, shall be erected on land covered by highway rights as this would constitute a breach of the Highways Act 1980.

3. Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

4. Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.