

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	26/11/18
Planning Development Manager authorisation:	AN	27/11/18
Admin checks / despatch completed	Jue	28/11/18

Application: 18/01764/ADV **Town / Parish:** Harwich Town Council

Applicant: Mr S Davies

Address: 32 - 34 Kingsway Dovercourt Harwich

Development: Erection of 18no. non illuminated fascia signs and 1no. illuminated fascia sign.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept The information that was submitted in association with the application has been fully considered by the Highway Authority.

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

1. The proposed light source for any externally lit signs shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.
Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with Policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

Any sign over any part of the highway, requires a licence under Section 177 or 178 of the Highways Act, 1980 which will incur a charge. 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.

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:

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

pp Director for Highways & Transportation
Enquiries to Caroline Tracey
Telephone: 03330 130119
Email: caroline.tracey@essex.gov.uk

3. Planning History

95/00136/FUL	(Alfresco, 32-34 Kingsway, Dovercourt) Continued use of former function room (ancillary to Snooker Centre) as integral part of existing Restaurant/Takeaway	Approved	27.03.1995
08/00624/OUT	Conversion of existing first floor snooker hall into residential accommodation. Partial demolition of first floor internal layout. New extension to form second and third floor residential accommodation.	Approved	
08/00978/FUL	Conversion of existing first floor snooker hall into 7 flats and erection of extension to form second, third and fourth floor residential accommodation for 7 flats (14 in total).	Withdrawn	25.09.2008
11/01223/FUL	Change of use from restaurant (Use Class A3) to nightclub (Sui Generis) (retention of).	Withdrawn	13.01.2012
12/00983/FUL	Change of use from restaurant (Use Class A3) to nightclub (Sui Generis) (Retention of).	Refused	26.10.2012
14/00105/FUL	Variation of conditions 2, 3 and 4 of approved planning permission TEN/711/84 to use amplification equipment (condition 2), use as a bingo hall (condition 3) and to change working hours to 10.00 - 23.00 Monday to Sunday inclusive (condition 4).	Approved	21.03.2014
14/00480/DISCON	Discharge of condition 04 (sound proofing) and 05 (boarding to front window) of planning permission 14/00105/FUL.	Approved	23.04.2014
14/00828/FUL	Proposed change of use into family entertainment centre.	Approved	07.08.2014

15/00148/ADV Signage to front of building. 24.09.2015

17/01748/FUL Proposed covered market comprising of 22 stalls and a cafe at ground floor, change of use of first floor, and proposed extension to create 9 flats. Approved 19.02.2018

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 32-34 Kingsway within the Parish of Dovercourt. The surrounding area is highly urbanised, with numerous residential and commercial built form to all sides. The site falls within the Settlement Development Boundary for Dovercourt within both the Saved Tendring

District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site also lies within the Dovercourt Conservation Area.

Description of Proposal

The application seeks advertising consent for the following:

1. 6 x non-illuminated fascia signs measuring 0.6 metres in height, 0.6 metres in width and 0.003 metres in depth. Three are to be sited directly above the front entrance door, whilst the other three are to be located below the left hand side front elevation window. Each advert will be individually designed by future business owners, and will be affixed to an aluminium panel.
2. 12 x non-illuminated fascia signs measuring 0.6 metres in height, 0.160 metres in width and 0.003 metres in depth. They are to be sited within the façade recess either side of the front entrance doors, and again will be individually designed and affixed to an aluminium panel.
3. 1 x externally illuminated fascia sign measuring 0.65 metres in height and 5.1 metres. It will include blue lettering painted on a white painted timber board background with 4 x LED downlights.

Appraisal

With regard to outdoor advertisements, Paragraph 132 of the National Planning Policy Framework (2018) 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 to the front elevation, adjacent to Kingsway to the east, and will therefore be highly visible particularly given its prominent location. However, amended plans have reduced the width of the one externally illuminated fascia sign, thereby reducing its prominence. Further, there are other examples of similar signage within the surrounding area and this type of design is expected within this town centre location. The other proposed signs are all non-illuminated and of a smaller design, thereby ensuring no significant harm.

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

Highway Safety

The Highways Authority, following the submission of amended plans, has stated that they have no objections to the proposal.

Other Considerations

Harwich Town Council has no objection to the application.

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 - 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, drawing numbers A-1639-PL-01, AL-1639-PL-07 A and AL-1639-PL-08 A.

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

- 3 The proposed light source for any externally lit signs shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

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