

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	14/02/19
Planning Development Manager authorisation:	AN	21/2/19
Admin checks / despatch completed	Kile SB	22/02/19 22/02/19

**Application:** 19/00069/ADV **Town / Parish:** Clacton Non Parished

**Applicant:** Marston's Plc

**Address:** The Smugglers Cove Lodge NEW DEVELOPMENT Brook Retail Park Clacton On Sea

**Development:** 4 No. internally illuminated 400mm cap individual LED letters with halo illumination fitted direct to wall 20mm standof fixings signs 'A' 'C' 'E' 'G', 3 No. internally illuminated single sided circular pictorial panels 'B' 'D' 'F', 2 No. externally illuminated double sided twin posts sign 'H' 'I' and 1 No. internally illuminated single post sign 'J'.

### 1. Town / Parish Council

Clacton – Non Parished.

### 2. Consultation Responses

ECC Highways Dept

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 (600cd/m<sup>2</sup>).

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. The proposed light sources for the externally illuminated signage shall be so positioned and shielded in perpetuity as to direct light towards the proposed advertisement sign.

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.

Informative1: 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.

Informative2: 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](mailto:development.management@essexhighways.org) or by post to:

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

### 3. Planning History

14/00107/FUL	Full planning permission for a cinema complex (including restaurants), superstore, petrol filling station, extension to Picker's Ditch walkway and associated parkland together with an extension to the existing Brook Country Park.		22.05.2014
14/00730/FUL	Full planning application for cinema complex (including restaurants), superstore, petrol filling station, extension to the Picker's Ditch walkway and associated parkland together with an extension to the existing Brook Country Park (duplicate application).	Withdrawn	30.08.2016
16/01250/OUT	Hybrid planning application comprising: - Detailed application for foodstore (A1), hotel (C1), family public house (A3/A4), restaurants (A1/A3/A5), retail warehouse units (A1), picker's ditch major open space and associated access, landscaping, car parking and associated works. - Outline application for residential (C3) and employment development (B1 (a), (b), (c)) and associated access, landscaping, car parking and associated works (all matters reserved except access).	Approved	08.06.2017
17/00722/ADV	Proposed totem sign at entrance to Brook Park West.	Approved	23.06.2017
17/01187/DISCON	Discharge of conditions 2 (Phasing Plan), 3 (Programme of Archaeological Evaluation Work), 4 (Surface Water Drainage Scheme), 5 (Minimise the Risk of Offsite Flooding Scheme), 6 (Maintenance Plan), 8 (Foul Water Strategy), 11 (Details of bus stop/s and bus turn	Approved	14.05.2018

	around facilities) and 19 (Local Recruitment Strategy) of approved planning application 16/01250/OUT.		
17/01223/ADV	Installation of freestanding 8 metre totem sign.	Approved	31.08.2017
17/01225/ADV	Installation of 6no. fascia signs.	Approved	31.08.2017
17/01226/ADV	Installation of site signage to include, 1no. gateway, 9no. freestanding, 1no. side by side directional, 1no. banner unit, and 16no. dot signs.	Approved	31.08.2017
17/01241/OUT	Variation of condition 21 of planning permission 16/01250/OUT - To amend the store design.	Approved	26.10.2017
17/01411/DISCON	Discharge of condition 09 (Construction Method Statement) and 13 (Ecological Management Plan) of planning permission 16/01250/OUT.	Approved	26.10.2017
17/01579/TELLIC	The installation of 1no. AC Electricity Generator enclosed within a weatherproof acoustic equipment housing enclosure with dimensions 1.75m long x 0.94m wide x 1.15m high. Concrete plinth, duct/s, cabling and ancillary development thereto.	Determination	02.10.2017
17/01589/DISCON	Discharge of Condition 15 (Hard and Soft Landscaping) of Planning Permission 16/01250/OUT.	Approved	23.10.2017
17/01612/DISCON	Discharge of condition 3 (Programme of Archaeological Evaluation Work) of approved planning application 16/01250/OUT.	Approved	26.10.2017
17/01879/ADV	Proposed advertisements are:- 1 no. wall mounted fascia sign, 3 no. building mounted hoardings, 2 no. free standing totem signs, 1 no. poster display unit, 1 no. free standing arrow sign, 4 no. free standing hoardings and 1 no. goalpost fascia sign.	Approved	04.01.2018
17/02037/DISCON	Discharge of conditions 9 (Construction Method Statement Revision A), 14 (Landscape Management Plan), 15 (Landscaping), 18 (Crime	Approved	28.02.2018

	Prevention) of planning permission 17/01241/OUT.		
17/02038/OUT	Variation of conditions 15, 21 and 29 of Planning permission 17/01241/OUT to i) Substitute the landscape and planting scheme; ii) Modify the floor area and external elevations of the pub/restaurant; and iii) Change the internal arrangement and external elevations of the hotel/lodge.	Approved	02.07.2018
18/00174/DISCON	Discharge of conditions 14 (Landscape Management Plan), 15 (Landscaping) and 18 (Various Details) of approved application 17/01241/OUT for Phases 1, 1a, and 5.	Approved	27.06.2018
18/00250/DISCON	Discharge of conditions 18 (Various Details) of Phase 3 of approved application 17/01241/OUT.	Approved	20.04.2018
18/00921/DISCON	Discharge of condition 14 (Landscape Management Plan) for Phase 3 only of 17/01241/OUT.	Approved	15.06.2018
18/01250/DISCON	Discharge of conditions 4 (Surface Water) & 6 (Maintenance Plan) to Approved Planning Application 17/02038/OUT in relation to Phase 2b only.	Approved	25.10.2018
18/01308/DISCON	Discharge of condition 10(a) of 17/02038/OUT to provide a fourth arm of the A133/Britton Way roundabout for site access.	Approved	22.10.2018
18/01368/DISCON	Discharge of condition 17) Underpass, to approved planning application 17/02038/OUT.	Approved	22.10.2018
18/01415/NMA	Non-material amendment to approved planning application 17/02038/OUT - to slightly reword Condition 10 to allow for the provision and or completion of some of these works at a slightly later phase in the developments implementation.	Approved	16.10.2018
18/01568/ADV	Relocation of the freestanding 8m totem sign, approved under 17/01223/ADV.	Approved	13.11.2018
18/01616/OUT	Application for a minor material	Current	

amendment to Condition 14, 15, 21 & 23 under Section 73 of the 1990 Town & Country Planning Permission Ref. 17/02038/OUT.

18/01645/DISCON	Discharge of condition 9 (Construction Management Plan) to approved Planning Application 17/02038/OUT in relation to Phase 2B only.	Approved	14.11.2018
18/01735/DISCON	Discharge of Conditions 14 (Landscape Management Plan) and Discharge of Condition 18 excluding Part A (External Details) of 17/02038/OUT.	Approved	21.01.2019
18/01830/DISCON	Discharge of condition 18A (CCTV) of application 17/02038/OUT in relation to Phase 2B only.	Approved	15.11.2018
19/00068/ADV	3 No. internally illuminated wall mounted signs with sequential LED lighting 'A' 'B' 'C' and 1 No. internally illuminated freestanding totem with sequential lighting 'D'.	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 Land West of A133 Brook Park West Roundabout, Clacton-on-Sea, which will serve the future pub/restaurant named 'The Smugglers Cove' and is currently under construction. The immediate surrounding area sees Mcdonalds to the south-east and Lidl to the north-east. Further out to the east of the site is the Brook Park retail area. To the south is large areas of residential properties. The site does not fall within a recognised Settlement Development Boundary, as indicated within both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

The application seeks advert consent for the following:

- o 2 x internally illuminated sign measuring 0.4m height, 5.98m width and 0.12m depth with the text 'THE SMUGGLERS COVE';
- o 2 x internally illuminated sign measuring 1.02m height, 4.67m width and 0.12m depth with the text 'THE SMUGGLERS COVE';
- o 3 x internally illuminated sign measuring 1.5m height, 1.5m width and 0.1m depth with The Smugglers Cove logo;
- o 2 x externally illuminated double sided twin post sign measuring 1.21m height, 1.76m width and 0.075m depth; and
- o 1 x internally illuminated single post sign measuring 5.68m height, 1.55m width and 0.25m depth, which will show The Smugglers Cove logo, the Marston's logo and two smaller signs with the following text: 'PUB AND FOOD' and 'CARVERY' in white text on a black background.

### Assessment

The main considerations of this application are the impact on visual amenity and public safety.

### Policy Considerations

With regard to outdoor advertisements, the National Planning Policy Framework states that only those advertisements which will clearly have an appreciable impact on a building or on the 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.

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.

### Public Safety

The Highways Authority has been informed and has stated that the proposal is acceptable subject to conditions relating to the maximum luminance of the signage and that the externally illuminated signage is to be positioned to ensure direct light is facing towards the signs.

The proposal is therefore considered acceptable in terms of public safety.

### Visual Amenity

The proposed signage will be situated across all elevations so will be highly visible, however in the context of the surrounding area it would be typical of what would be expected within a retail park. Furthermore, the majority of the signs are all internally illuminated and of a size and scale in-keeping with other examples within the vicinity. The two externally illuminated signs are set well back from the highway and again will be set amongst other signage previously approved and built at the adjacent Mcdonalds and Lidl. Therefore the harm will not be detrimental enough to warrant a reason for refusal.

### Other Considerations

Clacton is non-parished so no comments are required.

No letters of representation have been received.

### Conclusion

In the absence of any material harm as a result of the proposal, this application is recommended for approval.

## **6. Recommendation**

Approve 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, titled 'The Smugglers Cove Site Plan', 'The Smugglers Cove Block Plan', 'The Smugglers Cove Block Plan' which shows the positions of the adverts, the untitled document showing proposed elevations, the untitled document showing signs A, B, C and D, the untitled document showing signs E, F and G, and the untitled document showing signs H, I and J.

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 (600cd/m<sup>2</sup>).

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

- 4 The proposed light sources for the externally illuminated signage shall be so positioned and shielded in perpetuity as to direct light towards the proposed advertisement sign.

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.