

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	05/03/2019
Planning Development Manager authorisation:	SCE	05.03.19
Admin checks / despatch completed	AP	6/3/19

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**Application:** 18/01954/ADV                      **Town / Parish:** Lawford Parish Council

**Applicant:** Mr James Sadler

**Address:** Dale Hall Industrial Estate Jubilee End Lawford

**Development:** Proposed retail park style tenant directory.

### 1. Town / Parish Council

Lawford Parish Council have not commented on this application.

### 2. Consultation Responses

ECC Highways Dept

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

1. Should the proposed works particularly to the external surface area directly abuts to the back of the Highway. This is public highway and the construction work must be carried out subject to arrangements made with the Service Management Office (SMO1) contact details in the informative at the foot of the page.  
Reason: In the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
2. The proposed light source 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 conditions are 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 1

The location of the sign should not impede the inter-visibility between vehicles using the existing road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Informative 2

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

Informative 3:

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

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

### 3. Planning History

18/01954/ADV	Proposed retail park style tenant directory.	Current
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### 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

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 (including Site Description and Proposal)**

### Site Description

The site is located on northern side of Station Road and is on the corner of Jubilee Road. The site constitutes a vacant parcel of land.

### Description of proposal

The application seeks advertising consent for the erection of a retail park style tenant directory. The proposal will measure 0.2 metres in depth, 1.7 metres in width with an overall height of 4.55 metres.

### Assessment

The main considerations for this application are the impact upon visual amenity and public safety.

### Policy considerations

The National Planning Policy Framework states poorly placed advertisements can have a negative impact on the appearance of the built environment. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment.

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

Saved Policy QL9 and draft 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.



## Visual Amenity

The totem sign being proposed measures 4 metres in height and has a maximum width of 1.7 metres. Although in isolation the sign is fairly high it must be put in the context of the surrounding area. The proposal would be typical for this mixed commercial location as there are other examples nearby within the Causewayend Industrial Estate. Furthermore, the sign is set back approximately 1.75 metres within the site reducing its overall prominence in views from the east and west of Station Road.

Therefore, on balance, the harm will not be detrimental enough to warrant a reason for refusal.

## Public Safety

The Highways Authority has been consulted on this application and has stated that the proposal is acceptable subject to a condition relating to the works being carried out subject to arrangements made with the Service Management Office (details are under the informative section of this report) and the light source shall be positioned to direct light towards the sign. Condition 2 imposed by highways relates to the illumination of the sign. The plans do not demonstrate that the sign will be illuminated however a condition has been imposed to ensure that no lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Informative 1 has not been included within this application as the Highways officer has confirmed that the verge is wider on the opposite side of the road and therefore the proposal would not impact upon the site splays and is far enough away from any street lights. An informative has been imposed to ensure that the proposal is sited 1 metre away from the lamp column to allow access for maintenance. The proposal is therefore considered acceptable in terms of public safety.

## Other Considerations

Lawford Parish Council have not commented on this application.

There have been no letters of representation received.

## Conclusion

In the absence of any material harm as a result of the development, the advertising consent is recommended for approval.

## 6. Recommendation

Approval - Advertisement Consent

## 7. Conditions / Reasons for Refusal

- 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.

- 2 No lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details. The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area. To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Sign Design Sketch Scale 1:150 @A3

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

## 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.

Essex County Council advises that the siting of the sign needs to be 1 metre away from the lamp column to allow access for maintenance.

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

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

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

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO