

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	27/03/2019
Planning Development Manager authorisation:	AN	2/4/19
Admin checks / despatch completed	AP	3/4/19

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**Application:** 19/00199/ADV **Town / Parish:** Clacton Non Parished

**Applicant:** WHSmith

**Address:** 51 Pier Avenue Clacton On Sea Essex

**Development:** Proposed rebranding of external signage.

### 1. Town / Parish Council

n/a

### 2. Consultation Responses

ECC Highways Dept

### 3. Planning History

19/00199/ADV	Proposed rebranding of external signage.	Current
19/00490/FUL	Proposed removal of existing entrance doors and replace with automatic bi-fold doors.	Refused

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019  
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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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**

### **Proposal**

This application seeks consent for the provision of an internally illuminated fascia and hanging sign to the shop front of WHSmith in the town centre located within the development boundary of Clacton on Sea.

### **Public Amenity**

The proposal includes new signage which will replace the existing WHSmith sign with a new fascia and hanging sign advertising WHSmith and Post Office services within the same premises.

The fascia sign proposal uses WHSmith and Post Office recognised lettering and branding which is of a similar scale and size to that it will replace and those on the adjacent shops in the immediate area.

The new signage is considered appropriate to the existing building and area as it is located within the town centre where it is amongst many other commercial units which have a variety of illuminated and non-illuminated fascia and projecting signs of varying colours.

As the proposed signage will be set back from the highway and will be consistent with other signage within the area it is considered that the new signs would not result in an adverse impact to character of the area or public amenity.

### **Highway Safety**

Essex County Council Highways has been consulted as part of the application and have confirmed that they raise no objection subject to conditions restricting the signage luminance and position of light source. Informatives will also be added regarding the position of the signage overhanging the highway and the necessary permissions required for the signage and construction arrangements.

It is therefore considered that the proposal would not cause glare or dazzle to traffic and is acceptable in terms of highway safety.

### **Other Considerations**

Clacton is non-parished and therefore no comments are required. There have been no letters of representation received.

### **Conclusion**

In the absence of any harm resulting from the proposed development the application 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: Job number 91142A page 2, page 3 and page 4 Issue 2.

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

- 3 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.

- 4 For the internally illuminated sign, the maximum luminance of the 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 600 Candelas per square metre (600cd/m<sup>2</sup>).

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**

The proposed works particularly to the external surface area directly abuts to the back of the footway. This is public highway and the construction work must be carried out subject to arrangements made with the Service Management Office (SMO1).

The replacement projecting sign overhangs the highway and therefore requires a licence under Section 177 or 178 of the Highways Act, 1980. The applicant should contact Development Management at SMO1 to secure the appropriate license. 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.

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