

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	08/05/19
Planning Development Manager authorisation:	SCE	08.05.19
Admin checks / despatch completed	AP	8/5/19

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Application: 19/00425/ADV **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Cardtronics UK Ltd

Address: Cloverwood General Stores Oakley Road Dovercourt

Development: The retention of an Automated Teller Machine and associated signage.

1. Town / Parish Council

Harwich Town 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 any additional works particularly to the external surface area directly abut 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.

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 1: On the completion of the works, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2:

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 or by post to:

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

3. **Planning History**

00/02176/FUL	Dropped kerb	Approved	10.09.2001
95/00881/FUL	(Cloverwood General Stores, Oakley Road, Ramsey) Retention of 1.2m satellite dish	Approved	11.09.1995
91/00410/FUL	Extension to shop.	Approved	27.08.1991
19/00424/FUL	The retention of an Automated Teller Machine and associated signage.	Current	
19/00425/ADV	The retention of an Automated Teller Machine and associated signage.	Current	

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 (including Site Description and Proposal)

Site Description

The application site is Cloverwood General Stores, Oakley Road, Dovercourt and is situated within the development boundary of Harwich.

Description of Proposal

This application seeks advertising consent for the following in connection with the installation of an ATM machine (19/00424/FUL):

- Fascia Sign 1 - Illuminated logo panel - white lettering, internally and static illumination
- Fascia Sign 2 - Illuminated top sign - Green Perspex sheet with black lettering and bank symbols in various colours, internally and static illumination
- Fascia Sign 3 - Illuminated bottom sign white lettering, internally and static illumination

Assessment

The main considerations of this application are the impact on 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 SLP3 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

This advert consent relates solely to the ATM fascia and its surrounds. Due to the low key nature of the signage as well as the set back from the highway, it is considered that the proposed signage would not result in an adverse impact to character of the area or public amenity.

Highway Safety

Essex County Council Highways do not object to the application.

Conditions have been suggested by Essex Highways stating the following:

- Should any additional works particularly to the external surface area directly abut 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. This condition will not be imposed as the works are for the retention of an ATM and will not result in any additional works to the external surface area directly abutting the Highway.
- Should any of the associated signs be lit 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. This condition will not be imposed as the signs are internally illuminated and the brightness will be controlled by suggested condition 3.
- 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/m²). Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety. Subject to this condition, it is considered that the proposal would not cause glare or dazzle to traffic and is acceptable in terms of highway safety.

Other Considerations

Harwich Town 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.

Additionally all advertisement consents are for a fixed term of 5 years unless this period is varied on the formal decision notice.

- 2 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/m²).

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.

Informative 1

The location of any signs should not impede the inter-visibility between vehicles using the existing road junction 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 or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,

Colchester.
CO4 9YQ.

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