

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	13/09/2019
Planning Development Manager authorisation:	TF	13/09/2019
Admin checks / despatch completed	KAL	13/09/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	13/9/19

Application: 19/01086/ADV **Town / Parish:** Clacton Non Parished

Applicant: Clear Channel Uk Ltd

Address: 186 Old Road Clacton On Sea Essex

Development Upgrade of existing 48 sheet advert to support digital poster.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

Informative1: The interval of the rotation of adverts should not be less than 10 seconds for each cycle and the permitted illuminance of the proposed adverts should not exceed the permitted level of 300cd/m² for daytime or during hours of darkness.

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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

07/01074/FUL	Four one bed roomed flats and two open plan studio flats.	Withdrawn	08.08.2007
07/01950/FUL	Four one bed-roomed flats with bike sheds and bin store.	Refused	04.02.2008
08/00696/FUL	Rear two storey extension to form two flats with bin store and bike shed.	Approved	10.07.2008
11/01024/ADV	1 x 6m x 3m Advertisement display.	Approved	28.10.2011

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
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 (2019) 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 located to the east of Old Road, inside the district and local centre boundary of Clacton on Sea. The site has an existing advert located on the north side elevation of a two storey brick built premises that is occupied as a beauty clinic. The building sits forward of premises to the north, which serve a betting shop that has a residential flat above.

Proposal

The application proposes the upgrading of an existing 48 sheet advert to a new illuminated digital poster. The digital display will measure 6m wide by 3m tall with static illuminance levels of 300cd/m², dimmable to 55cd/m².

Representations

3 no. letters of objection have been received from the occupiers of 188A Old Road, and the owners of the premises. The objections raise concerns over light pollution into bedroom window.

Assessment

The main considerations of this advertisement consent are public and residential amenity and highway safety.

Policy Considerations

With regard to advertisements, Paragraph 132 of the National Planning Policy Framework 2019 states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy QL9 of the Tendring District Local Plan 2007 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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, scale and form.

Policy QL11 of the Tendring District Local Plan 2007 states, amongst other things, that development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Policy EN18b of the Tendring District Local Plan 2007 states that in exercising control of advertisement the district planning authority will apply the following principles and criteria:

- (i) Proposals for advertisement should be:
 - a) Be well designed and sited to respect their surroundings;
 - b) Respect the character and architectural features of the building on which they are displayed;
 - c) Not endanger traffic;
 - d) Not be detrimental to the amenities of residents or otherwise excessively obtrusive in the street scene;
 - e) Not result in advertisement clutter to the detriment of visual amenity or public safety;
- (ii) In considering the design of advertisements, regard will be given to the proposed dimensions, materials, colouring and lettering and the intensity and type of any illumination;
- (iii) In general, advertisements on buildings will normally be restricted to below first floor window sill level;
- (iv) Advertisements will only exceptionally be permitted in predominately residential area and will normally be restricted to discrete signs for the essential needs of local and professional services;
- (v) Advertisement hoardings will normally be limited to commercial or mixed use areas or as temporary consents for the screening of sites prior to or during development, or exceptionally to screen existing 'eyesores'.

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/Residential Amenity

The proposed advertisement is an illuminated digital poster that replaces an existing 48 sheet unilluminated advert on a site that is located within a local centre boundary with other similar non-illuminated advert boards in the vicinity. The advert will be situated on the north side elevation of 186 Old Road, which is set forward over 10m from the premises to the north of the application site, resulting in the proposed signage facing onto the first floor windows of the adjacent building, which serves a residential flat at first floor level. The close proximity of the illuminated signage to residential property would be considered to cause light pollution directly into habitable rooms

resulting in an unacceptable visual intrusion for the occupiers of the flat. The Council's concerns were set out throughout the course of the application and the agent suggested conditions to restrict the use of illumination, in terms of a night time curfew of 11pm and the display set to 1% of the maximum output between dusk and dawn. However, these measures were not considered to alleviate the adverse impact that the signage would cause on the occupiers of the flat, especially in the winter months when days are much shorter.

Therefore, by reason of the proposed illumination the advertisement will be detrimental to the amenities of residents resulting in a development that is harmful to residential amenity and contrary to the above mentioned national and local plan policies.

The proposed advert, in this local centre boundary, with other 48 sheet adverts in the area, is not considered to result in any adverse impact on public amenity of the area.

Highway Safety

Essex County Council Highways do not object to the proposal and suggested informatives regarding the interval between advert rotations being no less than 10 seconds and maximum luminance levels not exceeding 300cd/m². Therefore it is concluded that the proposal would have no materially harmful effect on highway safety and is acceptable in this regard.

Conclusion

It is considered that for the reasons set out above the proposal will be detrimental to the amenities of adjoining residents contrary to the above mentioned national and local plan policies.

6. Recommendation

Refusal - Advertisement Consent

7. Reasons for Refusal

- 1 Paragraph 132 of the National Planning Policy Framework 2019 states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Policy QL9 of the Tendring District Local Plan 2007 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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, scale and form. Policy QL11 of the Tendring District Local Plan 2007 states, amongst other things, that development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Policy EN18b of the Tendring District Local Plan 2007 states, amongst other things, that advertisements should be well designed and sited to respect their surroundings and not be detrimental to the amenities of residents or otherwise excessively obtrusive in the street scene.

The proposed advertisement is an illuminated digital poster that replaces an existing 48 sheet unilluminated advert on a site that is located within a local centre boundary with other similar non-illuminated advert boards in the vicinity. The advert will be situated on the north side elevation of 186 Old Road, which is set forward over 10m from the premises to the north of the application site, resulting in the proposed signage facing onto the first floor windows of the adjacent building, which serves a residential flat at first floor level. The close proximity of the illuminated signage to residential property would be considered to cause light pollution directly into habitable rooms resulting in an unacceptable visual intrusion for the occupiers of the flat. The Council's concerns were set out throughout the course of the application and the agent suggested conditions to restrict the use of illumination, in terms of a night time curfew of 11pm and the display set to 1% of the maximum output between dusk and dawn. However, these measures were not considered to alleviate the adverse impact that the signage would cause on the occupiers of the flat, especially in the winter months when days are much shorter.

Therefore, by reason of the proposed illumination the advertisement will be detrimental to residential amenity, contrary to the above mentioned national and local plan policies.

8. **Informatives**

N/A

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