

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/10/2019
Planning Development Manager authorisation:	AN	07/10/2019
Admin checks / despatch completed	SB	08/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	KC	8/10/19

Application: 19/01216/ADV **Town / Parish:** Harwich Town Council

Applicant: Eddie Clifton - Clifton Contracts

Address: The Waterfront Lower Marine Parade Dovercourt

Development: Proposed new freestanding internally illuminated roadside sign.

1. Town / Parish Council

Harwich Town Council Harwich Town Council has no objection to this application.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is situated on private land and is positioned back from the publicly maintainable highway; therefore:

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 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.

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.

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 300 Candelas per square metre (300cd/m²).

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 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.

3. Planning History

96/00722/FUL	(The Squirrels, Lower Marine Parade, Dovercourt) Renewal of consent TEN/91/0308 covered compound	Approved	01.07.1996
07/00900/OUT	Outline planning application for 24 apartments in two blocks with associated access, parking, cycle provision and landscaping.	Non determination Dismissed	02.04.2008
07/01887/OUT	Erection of 14 no. two bedroomed apartments and associated works. Alterations to existing vehicular access.	Withdrawn	15.07.2008
91/00308/FUL	Renewal of consent TEN/430/86 - Covered compound.	Approved	04.06.1991
12/00701/FUL	Proposed extension and alterations to sports and social club. Alterations and two storey	Approved	28.08.2012

extension to existing building (including creation of extension to managers accommodation). Single storey extension for kitchen, staff areas and toilets. Extension to North West of existing to include bar/lounge area, function hall and toilets. External works to include car park alterations and landscaping.

17/02005/FUL	Alterations to provide additional vehicular access to allow separate entrance and egress to public highway with associated landscaping.	Refused	17.01.2018
18/00164/FUL	Alterations to provide additional vehicular access to allow separate entrance and egress to public highway with associated landscaping.	Approved	03.04.2018

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

TR1A Development Affecting Highways

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 relates to 'The Waterfront' located on Lower Marine Parade, Dovercourt.

Description of Proposal

The application seeks advertisement consent for a freestanding roadside sign which will be internally illuminated with a maximum illuminance of 0.75 cd/m².

Assessment

With regard to outdoor advertisements, Paragraph 132 of the National Planning Policy Framework (2018) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Such adverts should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Saved Policy EN18b deals with advertisement control stating that proposals for advertisement should be well designed and sited and respect their surroundings whilst not endangering traffic. Advertisement hoardings will normally be limited to commercial areas.

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.

As a result the main considerations are the impact on public amenity and highway safety.

Public Amenity

The proposed sign will be located to the front of the 'Waterfront', at an angle to the highway. The sign would be set back from the highway by approximately 1 metre and will have a height of 4.5 metres. The signage would consist of legs with a steel plate at finished ground level bolted to concrete pad sunk into the ground with a sign board within a light house.

Overall the signage, although relatively tall is of a modest width and is a sympathetic design that would not harm the character and appearance of the area. Therefore given the location and the nature of the sign, it is considered that the proposal would not cause harm to public amenity.

Highway Safety

The Highways Authority raises no objection to the application subject to conditions relating to the sign abutting the highway, position of the light source and the internally illuminated sign. However, the sign abutting the highway will not be imposed as the sign is located away from the highway.

Other Considerations

Harwich Town Council have no objection to this application.

No letters of representation have been received.

Conclusion

In the absence of any material harm to public amenity and highway safety resulting from the development, this application for advertisement 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 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 1902.2/1A, Drawing No.1902.2/6B, Drawing No.1902.2/7

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 300 Candelas per square metre (300cd/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.

The location of the sign 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

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

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The applicants should be advised to contact the Development Management Team by email at: development.management@essexhighways.org or by post to:

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Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

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