

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	29/11/2019
Planning Development Manager authorisation:	TF	06/12/2019
Admin checks / despatch completed	SB	06/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	W	6/12/19

Application: 19/01522/ADV **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Huw James - KEFCO Sales Ltd

Address: The Cottage Site Ipswich Road Colchester

Development: Proposed internally illuminated and non-illuminated elevational signs and freestanding signage.

1. Town / Parish Council

Ardleigh Parish Council No comments received

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 applicant has submitted a plan that demonstrates that the signs will be located clear of highway land, therefore:

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

1. The proposed light source for any externally lit signs shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway. Should a glare or dazzle issue to the highway be identified when the light is in use, the light should not be used until remedial action has been completed to the satisfaction of the Local Planning Authority.
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.

2. The maximum luminance of any sign under 10m² shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report No. 5, for zone E2 locations, which in this case is 300 Candelas per square metre (400 cd/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.

3. Planning History

90/01116/OUT	Development of site for office building with related car parking and construction of access to Ipswich Road	Refused	10.01.1995
97/01240/ADV	(The Cottage, Ipswich Road, Ardleigh) Display of advertisement hoardings	Refused	11.11.1997
99/01471/LBC	Complete demolition	Approved	07.03.2000
74/00073/OUT	Detached dwelling in replacement of cottage	Approved	23.04.1974
74/00073/LBC	Detached dwelling in replacement of cottage	Approved	23.04.1974
90/01116/LBC	Development of site for office building (4,500m ²) with related car parking and construction of roundabout	Approved	10.01.1995
90/00039/LBC	Demolition of cottage	Approved	09.04.1991
08/00046/FUL	Erection of car showroom, MOT facility and workshops, display of new and used cars for sale and alterations to access onto Ipswich Road.		23.06.2009
12/01411/FUL	Erection of fast food restaurant and drive-thru with associated access road, parking for cars, cycles and motor cycles, delivery bay, footpaths and landscaped areas and change of use to A3 and A5.	Dismissed on Appeal	02.09.2013
12/01412/ADV	Illuminated projecting fascia signage and applied signage to fast food restaurant building. Illuminated blade totem sign adjacent to access road. 2 no. applied lettering signs to building, 1 no. applied logo vinyl graphic, 1 no. blade totem sign and 8 no. site direction/information signs.	Allowed on appeal	02.09.2013
13/00625/FUL	Change of use to vehicle hire with modular building and canopied wash-bay.	Approved	18.09.2013
13/00626/ADV	Proposed 3 fascia signs and 1 pole sign.	Approved	18.09.2013

15/00241/FUL	Erection of 14 dwellings.	Approved	22.08.2016
17/02119/ADV	Proposed illuminated & non-illuminated elevational signage & freestanding signage.	Approved	29.03.2018
17/02136/FUL	Development of currently vacant site by way of the erection of single storey building for mixed A3/A5 use incorporating a drive thru lane, car and cycle parking and associated landscaping and boundary treatment.	Refused (Allowed on Appeal)	29.03.2018
19/01520/FUL	Variation to conditions 2 (approved plans), 3 (approved landscape details) and 20 (acoustic fencing) to approve minor material amendments to the previously approved scheme in application 17/02136/FUL (allowed at appeal APP/P1560/W/18/3203537)	Current	
19/01522/ADV	Proposed internally illuminated and non-illuminated elevational signs and freestanding signage.	Current	
19/01567/DISCON	Discharge of conditions 4 (tree protection), 5 (construction method statement) and 16 (external lighting scheme) for application 17/02136/FUL (allowed at appeal APP/P1560/W/18/3203537)	Approved	14.11.2019
19/01568/DISCON	Discharge of conditions 15 (CCTV), 19 (acoustics) and 21 (vehicular barrier) for application 17/02136/FUL (allowed at appeal APP/P1560/W/18/3203537)	Approved	26.11.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

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 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 on the western side of Ipswich Road on the outskirts of Colchester. To the north of the site is an existing Premier Inn Hotel, to the south and east are residential properties and to the north-west is Severalls Industrial Estate. Directly to the west of the site is a large commercial building owned by Royal Mail. The area is characterised by a mixture of residential properties in Plains Farm Close and commercial premises i.e. car showrooms, hotel and public house. The site is located within a Defined Settlement Boundary in both the saved and emerging local plans.

The side and rear boundaries to the site are identified by thin hedgerows and some mature Oak and Beech trees. The south and north eastern boundaries, at the frontage of the site consist of close boarded fencing with some hedge planting and form the boundary lines to the side and rear of the Lion and Lamb Cottage, which is a residential property located directly to the south of the site.

The site is currently vacant, and has remained so for many years following the demolition in the 1990's of the previous residential property, known as the Cottage, which was a Grade II listed building. Following that demolition the site was very overgrown, but following the implementation of a vehicular access into/out from the site in 2012 the site has largely remained cleared yet otherwise undeveloped.

Ipswich Road (the A1232) runs in an approximately north-east to south-west direction, leading into the town centre of Colchester to the south-west (approximately 2.5 miles from the site), whilst approximately 400 metres to the north-east is junction 29 of the A12 London to Lowestoft Road, with this junction linking the A12 with the A120 road (leading to both the port of Harwich and the resort of Clacton-on-Sea).

The closest bus stops to the site are located approximately 230 metres to the north-east of the existing vehicular entrance into the site, with those stops known locally as Balkerne Gate. The site

is situated approximately 850 metres east from National Cycle Network Route 1, which runs along Severalls Lane connecting the towns of Ipswich and Colchester.

Background/Proposal

Planning permission was granted in March 2019 at appeal for the following development;

'Development of currently vacant site by way of the erection of a single storey building for mixed A3/A5 (restaurant and hot food takeaway use), incorporating a 'drive-thru' lane, car and cycle parking and associated landscaping and boundary treatment.'

The advertisements associated with the development were granted consent in 2017 at the time the full planning application for the restaurant/takeaway unit was refused.

Consequently, this application seeks to update the freestanding and elevational signage due to a corporate re-branding and following changes to the approved building including the inclusion of a drive-thru canopy sign.

The proposed projecting fascia signage, illuminated blade totem sign, applied lettering sign to the building, applied logo vinyl graphic, 1 no. blade totem sign and site direction/information signs are to be sited on and around the proposed fast food restaurant. The illuminated blade totem sign is to be located adjacent to the site access at the front of the site.

Appraisal

For advertisement consent the only issues that can be considered are amenity and public safety.

Amenity

The signage to the building would not be unduly prominent within the street scene due to the setback nature of the proposed building and the presence of other signage within the vicinity. Furthermore, the signage would respect the character of the area in terms of their size, position, colouration and materiality.

The various freestanding internally illuminated signs within the application site would provide direction to both vehicular traffic and pedestrians. These structures take their design cues from the materials and colours which characterise the proposed elevational appearance of both buildings and therefore complement the overall appearance of the application site.

The illuminated totem blade to the front of the site would be fairly prominent due to its height of 6m. However, there are other similar signs in the locality, in particular to the north at the Table Table Public House. The sign is also set back from the edge of the carriageway by some 8m which further reduces its prominence in views along Ipswich Road. Although illuminated this would be confined to the lettering and logo and as such would not over accentuate its presence at night.

It must be noted that the advertisements were allowed on appeal previously by the inspector in 2014 and were approved again in 2017. The size and siting of the adverts applied for now remains largely as previously proposed aside from design changes and the inclusion of signage to the drive thru canopy.

Further, the signage is considered to be sited far enough away from the adjacent residential property (26m) not to cause an adverse impact upon the residents in terms of light pollution.

To further reduce the impact of the illumination upon residents in the locality a condition will be attached to the permission ensuring that the illumination of the signage is switched off when the premises are closed to the public.

As such there is no significant harm to local amenity that would warrant a refusal.

Public Safety

Essex County Council Highway raise no objections to the development providing the luminance level of the signage proposed does not exceed 400cd/m² and any light source is suitably shielded to avoid any glare to users of the highway. These requirements will be secured via condition and ensures that the illuminated adverts would not adversely impact upon public safety.

Other Considerations

Ardleigh Parish Council has not commented upon the application. No further letters of representation have been received.

6. Recommendation

Approval

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: 0000/2011/B122 Revision R, 0000/2011/B211 Revision K and 0000/2011/B212 Revision E.

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

3 The maximum luminance of the illuminated signage shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case 300 Candelas per square metre (300 cd/m²).

Reason - To ensure that glare and dazzle is not caused to traffic in the adjoining highway, in the interests of highway safety.

4 All illuminated signage shall be switched off between the hours of 11pm and 6am when the restaurant/drive-through are closed to the public.

Reason - In the interests of amenity.

8. **Informatives**

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