

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 <sup>th</sup> Jan
Planning Development Manager authorisation:	TF	22/01/2020
Admin checks / despatch completed	CC	22/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	RNE	22/01/2020

**Application:** 19/01765/ADV **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Matt Swindles - Global

**Address:** 181 Old Road Clacton On Sea Essex

**Development:** Proposed replacement of 1no. existing 48-Sheet Advertising Panel on gable end with 1no. new Digital 48 LED Advertising Display.

### 1. Town / Parish Council

Not applicable

### 2. Consultation Responses

ECC Highways Dept A site visit has been undertaken and the information that was submitted in association with the application has been considered by the Highway Authority; therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

### 3. Planning History

01/00073/FUL	Change of use to motorcycle shop with workshop at rear	Approved	08.03.2001
01/00991/FUL	Retention of Motorcycle workshop and MOT Station.	Approved	07.01.2002
93/01210/FUL	Bakers shop to become an integral part of the dwelling and the bakery to be used as a domestic outbuilding	Approved	14.12.1993
04/00274/FUL	Removal of hours condition 2 (01/00073/FUL) and variation of condition 7 and use as Antique shop and workshop.	Approved	29.06.2004
08/00390/FUL	Change of use from A1 to A3 and A5 - coffee shop, light food, possibly internet cafe at later date, hot food takeaway.	Approved	
10/00261/FUL	Retrospective change of use from flat and A1 shop to flat and A3 cafe.	Approved	26.04.2010

19/01765/ADV

Proposed replacement of 1no. existing 48-Sheet Advertising Panel on gable end with 1no. new Digital 48 LED Advertising Display.

Current

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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 premises is located in an area which typically comprises commercial units at ground floor with residential flats above or larger commercial activities including vehicle sales and a large public house.

## Proposal

The consent proposes replacing the existing wall-mounted non-illuminated 48-sheet advertising panel with an internally-illuminated sign in the same location and of the same size.

## Appraisal

With regard to outdoor advertisements, Paragraph 132 of the National Planning Policy Framework 2019 (NPPF) 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."

As a result the main considerations are the impact on public amenity and highway safety. Saved Policy EN18b of the adopted Tendring District Local Plan 2007 supports this and also requires that such applications give special attention to the desirability of preserving or enhancing the character and appearance of the area and the street scene.

### Public Amenity

The site and proposed signage is located within the Town Centre Boundary and on a main road comprises numerous non-residential uses. The area has a typical feel of secondary or even tertiary shopping with many independent retail outlets and the one larger car-sales outlet. These premises display many examples of different branding and company signage dominating the street scene.

Given that the application proposes replacing the existing sign on a like-for-like basis in regards to its size, the proposed illumination would not materially harm the amenity of the occupiers of any residential flats and there is no objection on amenity grounds.

### Highway Safety

Given that the application proposes replacing the existing sign on a like-for-like basis in regards to its size, it is the impact of the illumination of said sign that is under consideration. The Highways Authority has no concern in regards to the proposed illumination, subject to certain conditions. The proposed conditions, which suggest controlling the level of luminance and the position of the light source are considered necessary.

## **6. Recommendation**

Approval - Advert Consent

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:- TEN-001/001, TEN-001/002, TEN-001/003 and TEN-001-004 received 18th November 2019.

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

- 2 The proposed light source for each sign 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.

- 3 For the internally illuminated sign, the maximum luminance of the sign shall not exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case for night time levels is 300 Candelas per square metre (300cd/m<sup>2</sup>) whilst daytime levels should not exceed 5,000cd/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

- 4 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.

## **8. Informatives**

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 back edge of the highway is a public highway and, should the proposed works particularly to the external surface area directly abut this, 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.

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.

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>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO