

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/05/2020
Planning Development Manager authorisation:	TF	21/05/2020
Admin checks / despatch completed	CC	21/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	21/05/2020

Application: 20/00331/ADV **Town / Parish:** Clacton Non Parished

Applicant: Jyoti Evans

Address: Waterglade Retail Park Old Road Clacton On Sea

Development: Proposed signage for the purposes of information and direction in relation to parking.

1. Town / Parish Council

Clacton is non parished

2. Consultation Responses

ECC Highways Dept
07.04.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. All the proposed signage will be non-illuminated and the retained 2 ANPR cameras are located off the publicly maintainable highway, therefore:

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

Informative:

1: To ensure the unimpeded passage of pedestrians and cyclists the proposed signs need to be erected clear of head height and the bottom edge of the sign must be mounted at a minimum height (2.1metres) above ground level adjacent to a footway/ walkway, (2.3 metres) adjacent to a cycleway and clear of kerb edges (450mm) so as not to be knocked by passing vehicles.

2: 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

3. Planning History

00/00632/FUL	Installation of 3 No. dual polar antennae, on existing mast, 1 No. equipment cabin and 1 No. meter cabinet for telecommunication purposes	Approved	15.06.2000
95/00346/ADV	(Footpath opposite 36 Old Road, Clacton on Sea) Information sign	Approved	25.04.1995
98/00773/ADV	Four advertisement hoardings	Approved	24.07.1998
98/01504/FUL	Stationing of a hot food stall	Approved	15.12.1998
99/01461/FUL	Stationing of a hot food stall (Renewal of TEN/98/1504)	Approved	16.11.1999
02/01707/FUL	Stationing of a hot food stall (Renewal of planning permission 99/01461/FUL)	Approved	24.10.2002
05/00015/FUL	Erection of 3m high palisade security fence (galvanised finish) to enclose the unloading bay	Approved	22.02.2005
06/00269/FUL	Retrospective application for the siting of a mobile catering unit on Waterglade Retail Park	Approved	04.05.2006
94/00001/TELCO M	Telecoms Installation	Determination	04.02.1994
20/00330/FUL	Proposal to retain 2 ANPR cameras for the purposes of managing and enforcing parking at the site	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN18B Advertisement Control

QL9 Design of New Development

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 relates to Waterglade Retail Park, Old Road, Clacton on Sea. The application site is located within the development boundary of Clacton.

Proposal

This application seeks retrospective advertisement consent for the following 24 signs for the purposes of information and direction in relation to parking;

- Disabled Parking Only Sign - Sign Number - 6, 8, 14, 15, 16 and 18
- Max Stay Sign - Sign Number - 2, 3, 4, 5, 12, 19, 20, 21, 23 and 24
- Parent and Child Parking Only Sign - Sign Number - 9 and 10
- Terms and Conditions Sign - Sign Number - 7, 11, 13, 17 and 22
- Entrance Sign - Sign Number 1

Assessment

The main considerations of this application are the impact on visual amenity and public safety.

Policy Considerations

With regard to outdoor advertisements, the National Planning Policy Framework states that only those advertisements which will clearly have an appreciable impact on a building or on the surroundings should be subject to a detailed assessment by the local planning authority, and such adverts should be subject to control only in the interests of amenity and public safety.

Saved Policy EN18b states proposals for advertisements should be well designed and sited and respect their surroundings.

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.

Visual Amenity

The proposed signage will be located across the whole application site and therefore highly visible. However in the context of the surrounding area, it would be expected within a retail park. Furthermore, none of the signs are illuminated and are of a size and scale which is appropriate to the area. Due to the set back from the highway it is considered that the proposal will not cause any significant harm.

Public Safety

Essex Highway Authority have been consulted on this application and have stated that all of the proposed signage will be non-illuminated and located off the publicly maintainable highway. The Highway Authority therefore have no objection to this application.

The proposal is therefore considered acceptable in terms of public safety.

Other Considerations

Clacton is non-parished so no comments are required.

No letters of representation have been received.

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 The development hereby permitted shall be carried out in accordance with the following approved plan:

- Site Plan with Cameras and Signage - Scale 1:1250 scanned 04 March 2020
- Disabled Sign - Numbers - 6, 8, 14, 15, 16 - Scale 1-10 @A4
- Max Stay Sign - Number - 2, 3, 4, 5, 12, 19, 20, 21, 23, 24 - Scale 1-10 @A4
- Parent and Child Sign - Numbers 9, 10 - Scale 1-10 @A4
- T & C Sign - Numbers 7, 11, 13, 17, 22 - Scale 1-10 @A4
- Entrance Sign - Number 1 - Scale 1-10@A4.

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

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.

Highways

To ensure the unimpeded passage of pedestrians and cyclists the proposed signs need to be erected clear of head height and the bottom edge of the sign must be mounted at a minimum height (2.1metres) above ground level adjacent to a footway/ walkway, (2.3 metres) adjacent to a cycleway and clear of kerb edges (450mm) so as not to be knocked by passing vehicles.

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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