

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	17/12/2020
Planning Development Manager authorisation:	TC	18/12/2020
Admin checks / despatch completed	DB	18/12/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.12.2020

Application: 20/00436/ADV **Town / Parish:** Frinton & Walton Town Council

Applicant: Miss Hannah Short - Linden Limited

Address: Land East of Halstead Road Kirby Cross

Development: Display of six flags showing company logo, two main signboards and three leader signs

1. Town / Parish Council

15.12.2020

Recommend a refusal - Disturbance to neighbours, create noise in the wind, a distraction to motorists and will detract from the street scene.

2. Consultation Responses

ECC Highways Dept
14.12.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material; it is noted that the proposals have been revised and in principal with amended drawing no. Flp.01 d:

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

Informative:

1: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,

Colchester,
CO7 7LT

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

15/30107/PREAPP	Request for EIA screening opinion for residential development.		11.05.2015
15/30145/PREAPP	Erection of up to 270 dwellings and 40 bed care home, with primary access from Halstead Road and secondary access from Woburn Avenue and Buckfast Avenue, plus car parking for the school and associated open space and play area, SuDs and other infrastructure works.		23.07.2015
15/01234/OUT	Erection of up to 240 dwellings with a community hub including either a 40-bed space care home (Class C2) or a healthcare facility (Class D1) together with access from Halstead Road, Woburn Avenue and Buckfast Avenue; a parking area for up to 30 vehicles; green infrastructure provision including children's play area, kick-about area, footpaths, structural landscaping and biodiversity enhancements; a sustainable drainage system including detention basin and swales and other related infrastructure and services provision.	Refused	07.12.2015
17/30172/PREAPP	240 proposed dwellings, following on from appeal approval 15/01234/OUT. Pre-application advice for DETAIL application.		11.08.2017
17/01895/DETAIL	Phase 1 reserved matters application (49 units) for details of the appearance, landscaping, layout and scale.	Approved	07.03.2018
17/02145/DETAIL	Phase 2 reserved matters application for 28 bungalows on	Approved	19.03.2018

	land off Woburn Avenue and Buckfast Avenue.		
18/00355/DISCON	Discharge of conditions 11 (Phasing Plan and Programme), 12 (Green Infrastructure Management Plan), 13 (Foul Water Strategy), 14 (Surface Water Drainage Strategy), 15 (Written Scheme of Archaeological Investigation), 16 (Construction Method Statement), 20 (Design Code) and 21 (Landscaping Details) of approved planning appeal APP/P1560/W/15/3140113 (planning application 15/01234/OUT).	Approved	19.06.2019
18/00366/DISCON	Discharge of conditions 4 (Ground/Floor Levels, External Lighting, Means of Enclosure, Bicycle Parking and Refuse/Recycling Storage) of approved application 15/01234/OUT (allowed on appeal APP/P1560/W/15/3140113), in relation to Phase 1 only.	Approved	19.06.2019
18/00414/DISCON	Discharge of conditions 4 (Levels, Street Lighting and Refuse details), 10 (Arboricultural Method Statement), 13 (Foul Water Strategy) and 14 (Surface Water Drainage) of approved planning appeal APP/P1560/W/15/3140113 to planning application 15/01234/OUT, in relation to Phase 2 only.	Current	
18/00503/DISCON	Discharge of conditions 6 (roads & footways) and 11 (planning out crime) of 17/01895/DETAIL, in relation to Phase 1 only.	Approved	18.03.2019
18/00601/NMA	Non-material amendment to vary wording of Condition 1 as follows: Details of the appearance, landscaping, and scale (herein after called the Reserved Matters) for each phase shall be submitted to and approved in writing by the Local Planning Authority before any development on that phase takes place and the development shall be carried out as approved.	Approved	13.06.2018
18/00615/NMA	Non-material amendment to 17/01895/DETAIL - amendment to proposed brick types.	Approved	04.06.2018

18/00898/DETAIL	Phase 3 reserved matters application for 91 dwellings.	Approved	25.07.2019
18/01813/OUT	Variation of condition 8 (Transport Assessment) of application 15/01234/OUT (allowed on appeal APP/P1560/W/15/3140113) to allow a number of occupations prior to completion of the works to which the condition refers.	Current	
19/00283/FUL	Development of 13 dwellings with associated landscaping and infrastructure.	Current	
19/30102/PREAPP	Proposed development of up to 126 dwellings.	Refused	07.08.2019
19/01247/DISCON	Discharge of conditions 4 (Road Details) and 6 (Boundary Treatments) of approved application 18/00898/DETAIL.	Approved	29.10.2019
19/01471/OUT	Variation of condition 8 of permission 15/01234/OUT (allowed at appeal APP/P1560/W/15/3140113) to vary wording as follows: No more than 15 dwellings hereby permitted shall be occupied until the improvements to the junction of Halstead Road/Frinton Road and Holland Road/Frinton Road identified on Drawing No. 4937.004 Rev A contained in the Transport Assessment Including Draft Residential Travel Plan (July 2015) have been completed including the relocation and upgrading of the bus stops along Frinton Road adjacent to the junctions and upgrading of the bus stops in Halstead Road adjacent to Kirby Primary Academy.	Withdrawn	28.05.2020
19/30180/PREAPP	Phase 4 Reserved Matters application for circa 80 dwellings, details of appearance, landscaping, layout and scale.	Current	
20/00002/OUT	Outline Planning Application for residential development of up to 130 dwellings including means of access with all other matters reserved.		22.09.2020
20/00436/ADV	Proposed display of ten flags showing company logo.	Current	
20/00472/DETAIL	Approval of reserved matters following outline permission	Current	

15/01234/OUT (allowed at appeal APP/P1560/W/15/3140113) for appearance, landscaping, layout and scale for phase 4 of the scheme, compromising 72 dwellings.

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)

CP1 Sustainable Transport and Accessibility
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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed

by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to Land East of Halstead Road, Kirby Cross. The host site is the entrance to a newly approved Linden Homes housing development for housing development of over 240 dwellings. The surrounding area is predominantly residential.

Description of Proposal

The application seeks advertisement consent for:

- Display of six flags showing company logo, two main signboards and three leader signs

The signs are already in place hence the application is effectively retrospective.

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 proposal includes new signage for 'Linden Homes'.

The proposed signs will be located off the main Halstead Road, leading into the entrance of the site.

The signs are of the following dimensions.

- Six flags showing company logo

The pole is 6 metres in height the logo size is 900mm x 1800mm. The sign is approximately 4 metres above ground level.

- Two main signboards

The total height above ground is 5000mm, the sign is 1600mm wide and 3350mm in height. The sign is 600mm above ground level.

- Three leader signs

The total height above ground level is 2200mm, the sign is 1400mm wide and 900mm in height. The sign is 700mm above ground level.

The applicant has asked for permission for these signs until 01/10/2023.

Officers, accept the applicant has a right to advertise the construction of up to 240 dwellings to the east of this location, currently in progress. The signage proposed has been reduced in number and modified in position from the original submission. Given the temporary nature of the signage, the designs on offer are considered sympathetic to the related development. Overall, it is not considered that the display would significantly harm the character and appearance of the area over the short to medium term. Therefore, the harm to public amenity is considered acceptable, subject to the removal of the signage after the 01/10/2023.

Highway Safety

The Highways Authority raises no objection to the application and therefore it is acceptable in terms of highway safety.

Other Considerations

Frinton and Walton Parish Council recommends refusal of this application due to the disturbance to neighbours, noise creation from the signs in the wind, the signs being a distraction to motorists and will detract from the street scene.

Officers are understanding of the concerns regarding noise from the wind of the free flying flags brushing against the flag poles. However, Environmental Protection have confirmed that there have been no objections or complaints received relating to the signage in the area.

Also, the flag poles have a horizontal bar at the top allowing for a 'permanent' display. The draw string if pulled tight and fixed to the post should ensure no or little wind related noise. The use of cable ties shall be suggested as an informative to the applicant to help in this regard.

Outside the scope of this application there is a full length sign erected adjacent to the Halstead Road running along approximately 13 metres of the northern boundary of the site (at the section closest to the Halstead Road). This advert also displays the Liden Homes development to the immediate east. Officers are of the view that this signage is excessive in its current form, also the signs detract from the setting of the wider area and acts as a distraction to passing motorists. Therefore, it is recommended this particular sign is removed within 1 month of the date of this approval, unless otherwise agreed in writing by the Local Planning Department. The agent has been made aware of the LPA's concerns regarding this specific advertisement.

No letters of representation have been received.

6. Recommendation

Approval, subject to conditions

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: -
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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 plans/documentation received 14th April 2020:

Amended Block Plan Flp.01 d	Received on	02 Dec 2020
Amended Flagpole Specification 2		26 Oct 2020
Main Sign 1		26 Oct 2020
Leader Sign 3		26 Oct 2020

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

3. The signs and associated posts holding up the signs associated with this planning application shall be removed completely from the site, including the concrete foundations if used, by the 02/10/2023 unless otherwise agreed in writing by the Local Planning Authority. Once removed, the land where the signs stood shall be restored by to its original use of a turfed lawn area.

Reason - In the interest of visual amenity and residential amenity.

4. The full length sign erected adjacent to the Halstead Road running along approximately 13 metres of the northern boundary of the site (at the section closest to the Halstead Road), is to be removed within 1 month of the date of this approval, unless otherwise agreed in writing by the Local Planning Department.

Reason - This advert is excessive in its current form also, the signs detract from the setting of the wider area and acts as a distraction to passing motorists potentially harming highway safety.

8. Informatives

1. Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2: Highways Informatives

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:

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3. The applicant is advised to use white cable ties to ensure the draw string holding the flags to the flag pole does not create excessive noise in windy conditions. The cable ties should be cut off at the point the required hold is achieved removing the unused plastic 'tail'.

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