

DELEGATED DECISION OFFICER REPORT

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

Application: 20/01528/ADV **Town / Parish:** Clacton Non Parished

Applicant: Clear Channel UK Ltd

Address: Advertising Right Site 000501 186 Old Road Clacton On Sea

Development: Upgrade of the existing 48 Sheet advert to support digital poster.

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

ECC Highways Dept

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

1. The proposed works particularly to the external surface area directly abuts to the back of the footway. 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. 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 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.

2: 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 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

3. Planning History

11/01024/ADV	1 x 6m x 3m Advertisement display.	Approved	28.10.2011
20/01528/ADV	Upgrade of the existing 48 Sheet advert to support digital poster.	Current	
07/01074/FUL	Four one bed roomed flats and two open plan studio flats.	Withdrawn	08.08.2007
07/01950/FUL	Four one bed-roomed flats with bike sheds and bin store.	Refused	04.02.2008
08/00696/FUL	Rear two storey extension to form two flats with bin store and bike shed.	Approved	10.07.2008
11/01024/ADV	1 x 6m x 3m Advertisement display.	Approved	28.10.2011
19/01086/ADV	Upgrade of existing 48 sheet advert to support digital poster.	Refused	13.09.2019
20/01528/ADV	Upgrade of the existing 48 Sheet advert to support digital poster.	Current	

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

QL11 Environmental Impacts and Compatibility

EN18B Advertisement Control

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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)

Application Site

The application site is located to the East of Old Road, inside the district and local centre boundary of Clacton on Sea. The site has an existing advert located on the North side elevation of a two storey brick built premises that is occupied as a beauty clinic. The building sits forward of the premises to the North, which serve a betting shop that has a residential flat above.

Proposal

The application seeks advertising consent for the installation of a proposed Digital Poster to replace the existing 48-sheet advert. The digital poster is to be installed flush with the existing external façade. The dimensions of the sign are 6 metres wide by 3 metres tall set at a height of 2.35 metres from the pavement level. The display screen is to be internally illuminated with illuminance levels of 300 cd/m². The digital poster is a modern design and features similar dimensions to the existing paper advertisement, which is to be replaced.

Assessment

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

Policy QL11 of the Tendring District Local Plan 2007 states, amongst other things, that development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

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

i. Proposals for advertisement should:

- a. Be well designed and sited and respect their surroundings;
- b. Respect the character and architectural features of the building on which they are displayed;
- c. Not endanger traffic;
- d. Not be detrimental to the amenities of residents or otherwise excessively obtrusive in the street scene;

- e. Not result in advertisement clutter to the detriment of visual amenity or public safety;
- ii. In considering the design of advertisements, regard will be given to the proposed dimensions, materials, colouring and lettering and to the intensity and type of any illumination;
- iii. In general, advertisements on buildings will normally be restricted to below first floor window sill level;
- iv. Advertisements will only exceptionally be permitted in predominantly residential areas and will normally be restricted to discrete signs for the essential needs of local and professional services;
- v. Advertisement hoardings will normally be limited to commercial or mixed use areas or as temporary consents for the screening of sites prior to or during development, or exceptionally to screen existing 'eyesores'. A landscaping scheme will normally be expected with such proposals.

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.

Public/Residential Amenity

The proposed advertisement is an illuminated digital poster that replaces an existing 48 sheet unilluminated advert on a site that is located within a local centre boundary with other similar non-illuminated advert boards in the vicinity. The advert will be situated on the north side elevation of 185 Old Road, which is set forward over 10 metres from the premises to the north of the application site, resulting in the proposed signage facing onto the first floor windows of the adjacent building, which serves a residential flat at first floor level. The close proximity of the illuminated signage to residential property would be considered to cause light pollution directly into habitable rooms resulting in an unacceptable visual intrusion for the occupiers of the flat.

Therefore, by reason of the proposed illumination the advertisement will be detrimental to the amenities of residents resulting in a development that is harmful to residential amenity and contrary to the above mentioned national and local plan policies.

The proposed advert, in this local centre boundary, with other 48 sheet adverts in the area, is not considered to result in any adverse impact on public amenity of the area.

Highway Safety

Essex County Council Highways do not object to the proposal and deem it not to have a materially harmful effect on highway safety and is acceptable in this regard.

Conclusion

It is considered that for the reasons set out above the proposal will be detrimental to the amenities of adjoining residents contrary to the above mentioned national and local plan policies.

6. Recommendation

Refusal – Advertisement Consent

7. Reasons for Refusal

Paragraph 132 of the National Planning Policy Framework 2019 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. Policy QL9 of the Tendring District Local Plan 2007 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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, scale and form. Policy QL11 of the Tendring District Local Plan 2007 states, amongst other things, that development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Policy EN18b of the Tendring District Local Plan 2007 states, amongst other things, that advertisements should be well designed and sited to respect their surroundings and not be detrimental to the amenities of residents or otherwise excessively obtrusive in the street scene.

The proposed advertisement is an illuminated digital poster that replaces an existing 48 sheet unilluminated advert on a site that is located within a local centre boundary with other similar non-illuminated advert boards in the vicinity. The advert will be situated on the north side elevation of 186 Old Road, which is set forward over 10m from the premises to the north of the application site, resulting in the proposed signage facing onto the first floor windows of the adjacent building, which serves a residential flat at first floor level. The close proximity of the illuminated signage to residential property would be considered to cause light pollution directly into habitable rooms resulting in an unacceptable visual intrusion for the occupiers of the flat.

Therefore, by reason of the proposed illumination the advertisement will be detrimental to residential amenity, contrary to the above mentioned national and local plan policies.

8. Informatives

N/A

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