

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	10 th Dec 2020
Planning Development Manager authorisation:	AN	15/12/2020
Admin checks / despatch completed	CC	15.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	15.12.2020

Application: 20/01542/ADV **Town / Parish:** Clacton Non Parished
Applicant: Ms Jan Clark - Notemachine UK Ltd
Address: 5 Station Road Clacton On Sea Essex
Development: Proposed ATM to the right hand side of the shop front with video surround.

1. Town / Parish Council

Not applicable

2. Consultation Responses

ECC Highways Dept

3. Planning History

02/00668/FUL	Replacement of shopfront	Approved	24.05.2002
05/02033/FUL	To fit concrete bollards to the branch forecourt to stop vehicles driving onto and damaging paving creating slip hazards	Refused	20.03.2006
91/00468/ADV	Replacement illuminated projecting box sign.	Approved	03.06.1991
20/01541/FUL	Proposed ATM to the right hand side of the shop front.	Current	
20/01542/ADV	Proposed ATM to the right hand side of the shop front with video surround.	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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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, 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

Application Site

5 Station Road is situated on a section of Station Road that forms one of the primary shopping streets of Clacton's town centre. Surrounding premises are occupied by other well-known high street names, including Santander building society immediately adjacent. A wide pavement combines with the shop's forecourt (between which there is no delineation) to provide a pedestrian / shopper's walkway 6m wide. The road itself is not pedestrianised and is busy with cars and buses.

Proposal

The application seeks advertising consent for the installation of a proposed Automatic Teller Machine (ATM), which will provide direct and unobstructed access. The ATM is to be installed flush with the existing external façade. The dimensions of the ATM are 1580mm x 980mm set at a height of 900mm from the pavement level. The display screen is carefully shielded from ambient

lighting to prevent glare and reflection, ensuring a clear and sharp image is visible by both standing and seated users. The ATM is a modern design with a black bezel surround, with Digital LED screen with the capability to run full motion and static adverts and blue LED halo with reduced illumination at 127.323 cd/m³.

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 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.

Public Safety:-

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. In regards to the siting of the sign, it would be adhered to the face of the wall and not overhang the public footpath in any manner. The proposal is therefore considered acceptable in terms of public safety.

Visual Amenity:-

The immediate surrounding area is characterised by retail and employment uses. The proposed sign is considered to be of a size and scale in keeping with other examples within the vicinity (i.e. immediately adjacent). Therefore the harm will not be detrimental enough to warrant a reason for refusal.

6. Recommendation

Approval - Advertisement Consent

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 plan: 3474907_P, received 29th October 2020.

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

3 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).

Reason - In the interests of highway safety.

4 The proposed light source 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.

5 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 600 Candelas per square metre (600cd/m²).

Reason - To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety.

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 Informatives

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 or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO