

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	3 rd March 2021
Planning Development Manager authorisation:	SCE	05.03.2021
Admin checks / despatch completed	DB	05.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05.03.2021

Application: 20/01795/ADV **Town / Parish:** Clacton Non Parished
Applicant: Fountain Acquisitions Ltd
Address: Advertising Right at 53 Carnarvon Road Clacton On Sea
Development: Replacement of an existing illuminated advertisement display with a digital advertisement display.

1. Town / Parish Council

Not applicable

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 conditions.

3. Planning History

20/01795/ADV Replacement of an existing Current
illuminated advertisement display
with a digital advertisement display.

4. Relevant Policies / Government Guidance

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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

Application Site

The application site comprises the north-west flank wall of a building comprising retail outlet (general store/off-licence) at ground floor with residential accommodation above. Separating the flank wall from the adjacent building (a five storey office which was converted to residential flats in 2013) is the parking area which serves said flats. The flank wall is between 11 and 13m from the stepped flank elevation of the flats.

Carnarvon Road (the A133) is a busy, well-lit primary distributor road.

The existing advertisement measures 6m in width and 3m in height. It comprises a metal frame and a metal posting board onto which a paper-based image is periodically attached and changed with each campaign. It is externally illuminated by way of three 'uplighters'.

Proposal

The proposal is to replace the existing 48-sheet sign with an advertisement of similar proportions and orientation. Measuring 6m in width and 3m in height, the new advertisement would comprise a pressed metal and reinforced plastic frame which would enclose a digital display. It would present a range of static images. A new image will materialise every 10 seconds with the interchange between each image virtually instantaneous. Advertisements would not contain any movement, animation or special effects.

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:-

Like the previous incumbent, the illuminated digital display would face towards on-coming traffic travelling south along the A133, Carnarvon Way. The highway is well-lit and level, providing excellent forward visibility on approach to the site, allowing drivers to glance at any advert far in advance without being distracted from the road ahead. Under these circumstances such a familiar urban feature would not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care. Consequently, it is considered that the proposed advertisement would not unduly distract highways users and give rise to safety issues. The proposal is therefore considered acceptable in terms of public safety.

Visual Amenity:-

The character and setting of the immediate area is mixed and the proposed display would be seen entirely within this context. National policy and advice advocates locating advertisements in such areas where their impact is appreciably less and commensurate to their function. In this regard, the proposal should, in principle, be acceptable. It is considered the proposal would sit comfortably in its visual context without harming amenity, the qualities of the site or the character and appearance of the wider area. In terms of size, the proposed sign is similar to that which it will replace, in terms of siting – the proposed sign would be re-sited approximately 1.8m further up the wall. The existing sign is illuminated, the area is busy and well-lit. The proposal is therefore considered acceptable in terms of visual and residential amenity.

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 plans: T4587 A4 061 and T4587 A4 060; received 10th December 2020, T4587 A4 050A and T4587 A4 051A; received 13th January 2021.

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

- 3 Any 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.

- 4 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.

8. Informatives

Application Approved Without Amendment

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 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