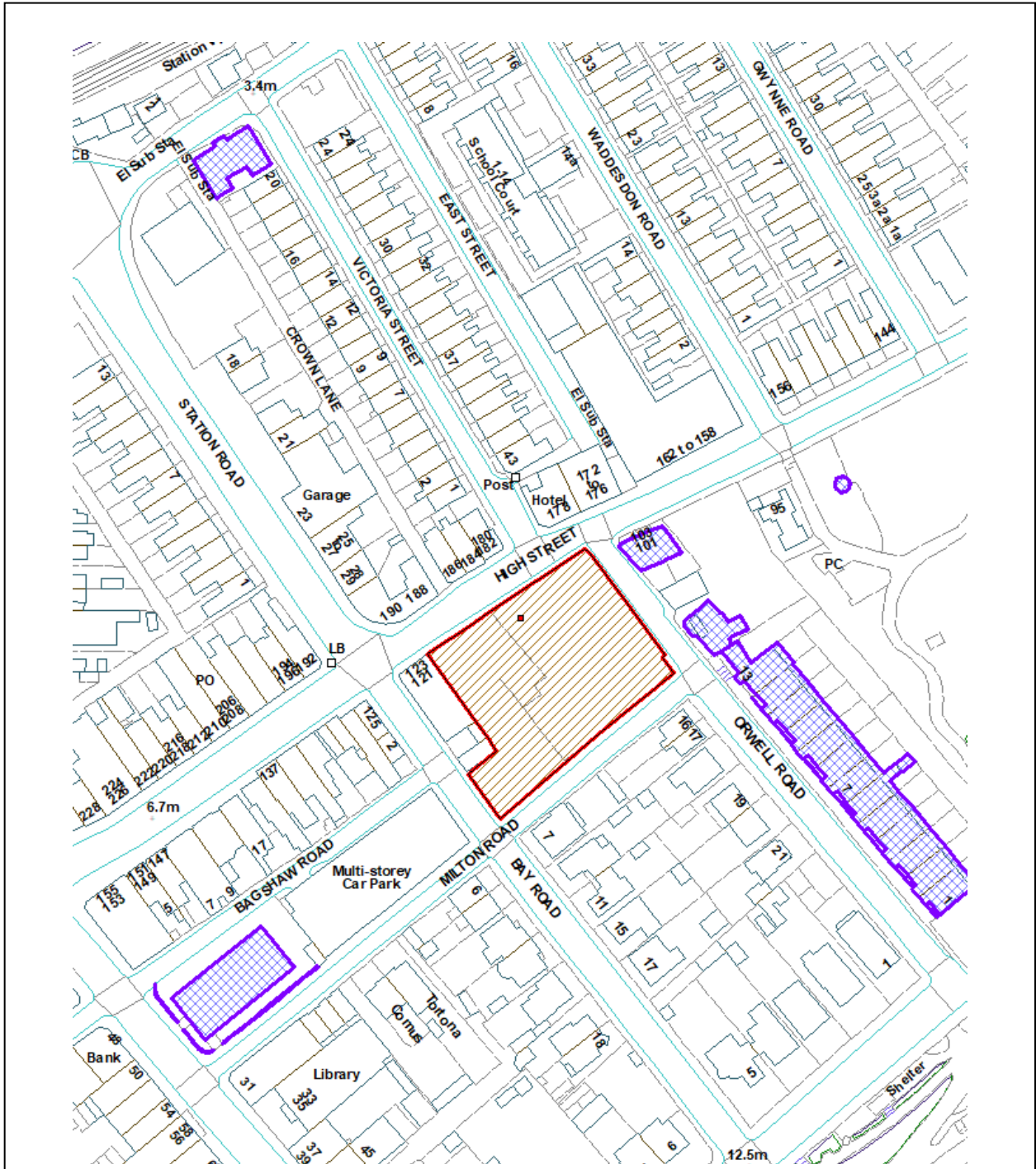


PLANNING COMMITTEE

7<sup>th</sup> December 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.4 PLANNING APPLICATION – 21/01747/ADV – STARLINGS BLOCK LAND TO THE SOUTH OF HIGH STREET HARWICH ESSEX**



DO NOT SCALE

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**Application:** 21/01747/ADV

**Town / Parish:** Harwich Town Council

**Applicant:** Kirstin Foley - Tendring District Council

**Address:** Starlings Block Land to The South of High Street Harwich Essex CO12 3A

**Development:** Consent to display 4 no. proposed advertisement boards to show what the site will look like when it is finished.

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves the display of four non-illuminated artistic-impressions of the proposed re-development of the site, as approved under application 21/01145/FUL.
- 1.3 The site is within Dovercourt Conservation Area and an area subject to regeneration. The principle of development is acceptable subject to the detailed consideration below.
- 1.4 The proposal will not result in any material harm to amenity or highway safety.

### **Recommendation:**

That the Head of Planning be authorised to grant advertisement consent for the development:-  
Subject to the conditions stated in section 8.2.

## 2. **Planning Policy**

The following Local and National Planning Policies are relevant to this planning application.

### National Policy:

*NPPF National Planning Policy Framework February 2021*  
*National Planning Practice Guidance*

### Local Policy:

*Tendring District Local Plan 2007*

EN18a - Advertisement Control in Conservation Areas  
TR1a - Development Affecting Highways

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017); Section 1*

SP1 - Presumption in Favour of Sustainable Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017); Section 2*

SPL3 Sustainable Design

## Local Planning Guidance

### *Development Affecting Highways*

#### **Status of the Local Plan**

- 2.1 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).
- 2.2 The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.
- 2.3 Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to the emerging Section 2 of the 2013-33 Local Plan, which contains more specific policies and proposals for Tendring, has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29<sup>th</sup> June 2021. The Council held a six-week public consultation on the Main Modifications and associated documents which began on 16<sup>th</sup> July 2021. The consultation closed at 5pm on 31<sup>st</sup> August 2021 and adoption is expected later this year. Section 2 will then join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

#### **3. Relevant Planning History**

12/00478/CON	Demolition of buildings leaving site clear for possible development.	Approved	05.07.2012
21/01145/FUL	Proposed development of a surface-level public car park, public toilet facilities, landscaped public open space and associated works.	Approved	29.09.2021
21/01747/ADV	Consent to display 4 no. proposed advertisement boards to show what the site will look like when it is finished.	Current	

#### **4. Consultations**

ECC Highways Dept	ECC Highways note that the signs are non-illuminated and will be fixed to the existing hoarding that surrounds the boundary of the site. Considering these factors:
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From a highway and transportation perspective, the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions.

Essex County Council Heritage  
08.11.2021

Unopposed to this application. Recommend that a condition is attached to any decision notice issued requiring the signage and hoarding be taken down before the site's first use.

## 5. **Representations**

No contributions have been received in response to the publicity of the application.

## 6. **Assessment**

### Site Context

- 6.1 The application relates to an 'L-shaped' parcel land to the south of High Street, Dovercourt. The site is known locally as 'The Starlings Site' and is bound by Orwell Road to the north-east, Milton Road to the south-east, and Bay Road along part of the south-western side. The remaining section of the western boundary is adjoined by the single-storey retail/business unit and associated structures of No. 121-123 High Street. The site slopes down from south to north.
- 6.2 The site was previously occupied by The Queen's Hotel at Nos. 119-121 High Street, commercial properties of Stour Place (Nos. 105 - 117 High Street) and Starlings Garage to the east, between the hotel and Orwell Road.
- 6.3 The site is currently secured by site hoarding to all sides which has been in place since the buildings were demolished and the site was cleared.
- 6.4 The north-western side of the application site, fronting High Street, falls within the Dovercourt Conservation Area. Immediately to the north-east and east of the site are nos.101-103 Main Road Dovercourt and 1-13 Orwell Road Dovercourt which are all Grade II Listed Buildings.
- 6.5 The site is located within the defined Town Centre and the 'Dovercourt Town Centre Regeneration Area' as designated by the adopted Local Plan (2007). This aspiration and policy provision has been continued through the emerging Section 2 Local Plan (2013-2033), which also looks to identify Dovercourt Town Centre as a 'priority area for regeneration'

### Proposal

- 6.6 Advertisement consent is sought for the display of four non-illuminated placards which will be adhered to the existing hoarding.
- 6.7 For planning purposes, 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

*'...any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.'*

- 6.8 The placards are proposed in the following locations:-

- Milton Road; one placard, sited centrally through the width of the boundary hoarding
- Orwell Road, one placard, sited centrally through the width of the boundary hoarding
- High Street; two placards, sited equidistant apart from each other.

- 6.9 The Milton Road and High Street placards measure 4500mm (wide) by 2000mm (high); the Orwell Road placard is marginally smaller at 3000mm (wide) by 2000mm (high).
- 6.10 All placards depict a full-colour artistic impression of a Local Market and include an extract from the approved plans showing the design and siting of the public facilities.
- 6.11 As is standard with advertisement consent, the period of time sought for their display is five years.

#### Principle of Development

- 6.12 Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

#### Amenity

- 6.13 The signage to the hoarding would not be unduly prominent within the street scene due to the size of the placards against the backdrop of the hoardings.
- 6.14 Further, the north-west elevation of the sites hoarding face towards commercial streetscenes which contain a very high number of advertisements of both illuminated and non-illuminated nature in a number of modern and traditional finishes.
- 6.15 For these reasons, the signage would respect the character of the area in terms of finishing material; would be to an appropriate size and design in relation to the fascia upon which they are to be displayed; are of the minimum size necessary to convey its message; and otherwise, would have no adverse effect on visual amenity or highway safety.
- 6.16 Whilst the signage is on the opposite side of the road from residential properties on both Orwell Road and Milton Road, no illumination is proposed. For this reason, the signs would not materially harm the amenity of these properties.

#### Public Safety

- 6.17 Essex County Council Highway raise no objections to the development subject to the construction being carried out adhering to arrangements made with the Service Management Office (SMO1) contact details in the informative.

### **7. Conclusion**

- 7.1 The display of four non-illuminated placards, adhered to the sites existing perimeter hoardings would not harm the amenity of occupiers of adjacent properties nor the character of the wider area, nor would the placards cause a distraction or danger to passing motorists.

### **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant advertisement consent subject to the following conditions and informatives.

#### 8.2 Conditions and Reasons

- 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.

### 8.3 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.

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](mailto: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.

The proposed works, particularly to the external surface area, directly abuts to the back of the footpath. This is public highway and the construction work must be carried out subject to arrangements made with Essex Highways Development Management Team.

## **9. Additional Considerations**

### Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
  - C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

### Human Rights

- 9.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

- 9.7 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### Finance Implications

- 9.8 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

### **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.