

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|-------------------------------------------------------------|----------|------------|
| File completed and officer recommendation: | AP | 01/03/2022 |
| Planning Development Manager authorisation: | AN | 01/03/2022 |
| Admin checks / despatch completed | ER | 02/03/2022 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | CC | 02.03.2022 |

Application: 22/00027/ADV **Town / Parish:** Frinton & Walton Town Council
Applicant: Mrs Sara Humpries - Greggs Plc
Address: 66 Connaught Avenue Frinton On Sea Essex
Development: Proposed two internal digital promotional screens.

1. Town / Parish Council

FRINTON & WALTON
TOWN COUNCIL
31.01.2022

Recommend approval subject to images only being illuminated during business operating hours.

2. Consultation Responses

Essex County Council
Heritage
28.01.2022

The application is for proposed two internal digital promotional screens.

The proposed digital screens are to be installed to two windows of a front shop on Connaught Avenue, within the Frinton and Walton Conservation Area.

Backlit signs and advertisement that obscure shop windows are generally not allowed in conservation area as also confirmed in the Frinton Shopfront Design Guide. However, the proposed screens are to be installed internally and set back from the window by a sufficient distance. Also, each screen will cover approximately a third of the glass pane, which constitutes a positive improvement to the existing and intrusive TAGI graphic holders.

Overall, subject to the recommended conditions below, the proposals are considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the NPPF.

Were permission to be granted, I request the following conditions are imposed. Please note that inclusion of potential conditions does not imply compliance with national/local legislation policy.

- Prior installation of the new digital screens, the existing TAGI graphic holders shall be removed. No additional advertisement shall be fitted to the shop windows while the proposed digital screens are in place, in order to keep advertisements to the minimum necessary and always subservient to their architectural context;
- The proposed advertising digital screens must be fitted in the approved locations and retained for no longer than five years' time. Should a longer period be required this should be agreed through a new application; and
- A maintenance plan shall be in place to guarantee that the digital screens are kept in working order.

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 neither sign is to be illuminated and will be located within the premises, therefore:

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

2: 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.

Note: Any projecting sign overhanging the highway requires a licence under Section 177 or 178 of the Highways Act, 1980. The applicant should contact Development Management at SMO1 to secure the appropriate license. The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.

3. Planning History

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|--------------|------------------------------------------------------------------------------------------|-----------|------------|
| 11/00412/FUL | Proposals to install 2No. Air conditioning condensing units to the rear of the property. | Withdrawn | 08.07.2011 |
| 11/00428/ADV | 1no. non-illuminated fascia sign and 1no non-illuminated projecting sign. | Approved | 08.06.2011 |
| 11/00435/FUL | Proposals to install new shopfront. | Approved | 08.06.2011 |
| 12/00743/ADV | New fascia and projecting sign to front elevation. | Approved | 28.08.2012 |
| 12/00744/FUL | Two new air conditioning condensers, new Vent Axia grille and shop extract grille. | Approved | 06.09.2012 |
| 15/00144/FUL | Change of use of pavement to place table and chairs with barriers. | Approved | 27.03.2015 |
| 15/00634/ADV | Proposed 4 x canvas banners. | Approved | |

20/00078/ADV

Proposed one fascia sign, one projecting sign, and two internal posters.

Approved

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)
SPL3 Sustainable Design
PPL8 Conservation Areas

Supplementary Planning Documents
Adopted Frinton Shopfront Design Guide (2010)

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Proposal

This application seeks consent for the provision of two internal 32 inch digital screens in the shop front of Greggs in the town centre located within the development boundary of Frinton on Sea. Connaught Avenue lies within the conservation area of Frinton and Walton.

Appraisal

The proposal includes two digital screens of which each will be positioned set back from the front window elevations that lie parallel to the highway in Connaught Avenue. The proposed screens will update the appearance of the shopfront in line with the new signage previously approved under reference 20/00078/ADV. The screens will replace and offer a welcome upgrade to the intrusive posters which are fixed to the windows. It is therefore considered as a result of the design and positioning of the digital screens that they would not result in an adverse impact to public amenity.

The proposed screens, by their very nature will be internally illuminated however as insufficient details have been submitted with the application a condition securing the maximum luminance levels will be imposed on the grant of consent. The limits stated in the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 600 Candelas per square metre where the sign is less than 10 metres square has been relied upon. The lighting will only illuminate the screen and would not have a significant impact to any surrounding first floor residential properties.

Other Considerations

Frinton and Walton Town Council recommend approval of the application subject to images only being illuminated during business operating hours. It is not considered necessary to limit the hours of operation of the digital screens in this instance due to their size and position set back from the window.

Essex County Council Place Service have been consulted for their heritage advice and they confirm that the proposals are considered to preserve the character and appearance of the Conservation Area, in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the National Planning Policy Framework as a result of the screens being installed internally and independently from the window itself.

There have been no other letters of representation received.

Conclusion

In the absence of any harm resulting from the proposed development the application is recommended for approval.

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: Drawing No. RSOE/S2045/02A.

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

- 3 The maximum luminance of the internally luminated sign hereby approved 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.

- 4 Prior to installation of the new digital screens, the existing TAGI graphic holders with posters shall be removed.

Reason - In the interests of preserving and enhancing the character of the Conservation Area.

8. Informatives

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.

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| 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 |