

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ER	07/10/2022
Planning Development Manager authorisation:	SCE	07.10.2022
Admin checks / despatch completed	ER	07/10/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07/10/2022

Application: 22/01258/ADV

Town / Parish: Mistley Parish Council

Applicant: Tendring Farms Limited

Address: Land South of Long Road Mistley

Development: Proposed 18x flags and 2x v shaped boards for marketing/advertising signage for new residential development.

1. Town / Parish Council

Mistley Parish Council
01.09.2022

The Planning Committee of the Parish Council noted that there are 2 x v boards and 1 x flag poles which appear to be missing on the plans and planning application. More information is required and requested about these facings and locations.

2. Consultation Responses

ECC Highways Dept
06.10.2022

The documents accompanying the planning application have been duly considered. The proposal is acceptable to the Highway Authority, subject to the following requirements;

1. All signage must be placed clear of the highway. The Highway Authority will not authorise any signage associated with the development to be placed within the highway.
Reason: In the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note: The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign in the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.

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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully

functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: 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.

3. Planning History

15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	18.07.2016
16/00818/OUT	Resubmission of outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused	10.08.2017
17/00535/DETAIL	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).	Approved	16.08.2018
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Refused	29.11.2018
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings:	Approved	14.06.2018

	Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003'.		
18/01190/OUT	Variation of Conditions 1, 11, 12, 13, 14, 15, and 16 of 17/01537/OUT to allow work to commence prior to the submission of remaining reserved matters (reserved matters for 96 units already submitted).	Approved	19.09.2019
19/00336/OUT	Variation of condition 4 of application 17/01537/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001A, Illustrative Masterplan - Drawing No: PL17006/04A and Landscape Plan - Drawing No: 003A'.	Refused	21.11.2019
19/00539/DETAIL	Reserved matters application pursuant to outline planning permission 17/01537/OUT for the creation of phase 2 - 204 dwellings and four commercial buildings, plus associated roads, driveways, parking, footpaths, landscaping and ancillary works.	Approved	07.01.2020
20/00782/OUT	Outline planning with all matters reserved except for access for up to 76 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.	Approved	14.05.2021
20/01421/DISCON	Discharge of condition 8 (archaeology) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201).	Approved	07.12.2020
20/01484/OUT	Construction of medical centre and car parking.	Refused	01.02.2021
21/00197/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to the residential element of outline permission (17/01181/OUT - Approved under appeal APP/P1560/W/19/3220201 and separately 21/00213/OUT)	Approved	23.12.2021

	including up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure		
21/00213/OUT	Variation of condition 3 (Approved Plans) and 12 (highway proposal drawings) of approved planning application 17/01181/OUT (Approved under appeal APP/P1560/W/19/3220201).	Approved	11.10.2021
21/00451/DISCON	Discharge of conditions of Phase 0 and 1 of conditions 9a (Surface Water Drainage), 9b (Drainage Maintenance Arrangements), 10 (Foul Water Strategy) and 11 (Off-Site Flooding Scheme) of application 21/00213/OUT	Approved	04.05.2022
21/00494/DISCON	Discharge of conditions 6 (Phasing Plan), 7 (Construction Management Plan) and 16 (Broadband Strategy) of approved application 17/01181/OUT (Granted under Appeal ref: APP/P1506/W/19/3220201)	Approved	28.10.2021
21/01170/DISCON	Discharge of condition 8A (Archaeology) of approved application 17/01181/OUT.	Approved	25.08.2021
21/01917/NMA	Non-material amendment to planning permission 21/00213/OUT to alter Condition No. 8 Part B to prior to any slab works on site in those areas of the development site containing archaeological deposits, satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, must be approved in writing by the Local Planning Authority in conjunction with Essex County Council Archaeological Adviser and Condition No. 20 to prior to the commencement of any phase of the development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.	Approved	03.12.2021

22/00002/DISCON	Discharge of condition 20 (Estate roads and footways) of application 21/00213/OUT.	Approved	28.01.2022
22/00024/DISCON	Discharge of condition 3 (Details of the estate roads and footways) of application 21/00197/DETAIL	Approved	28.01.2022
22/00096/NMA	Non-material amendment sought to remove part D (Improvements at the A137 Coxs Hill/Long Road/Wignall Street mini roundabout as shown in principle on planning application drawing number JTP/04814 DR3a) of condition 12 as the works have already been implemented.	Approved	
22/00302/DISCON	Discharge of condition 3 (Details of the estate roads and footways - Phase 2) of application 21/00197/DETAIL	Approved	29.04.2022
22/00303/DISCON	Discharge of condition 3 (Details of the estate roads and footways - Phase 3) of application 21/00197/DETAIL	Approved	11.05.2022
22/00304/DISCON	Discharge of condition 20 (Details of the estate roads and footways - Phase 2) of application 21/00213/OUT and 21/01917/NMA	Approved	19.05.2022
22/00305/DISCON	Discharge of condition 20 (Details of the estate roads and footways - Phase 3) of application 21/00213/OUT and 21/01917/NMA	Approved	29.04.2022
22/00334/DISCON	Discharge of conditions 9a, (Surface water drainage scheme) 9b, (Drainage maintenance arrangements) 10 (Foul water strategy) and 11 (Scheme to minimise the risk of off-site flooding) of applications 21/00213/OUT and 21/01917/NMA (Phase 2 Only)	Approved	19.05.2022
22/00335/DISCON	Discharge of conditions 9a, (Surface water drainage scheme) 9b, (Drainage maintenance arrangements) 10 (Foul water strategy) and 11 (Scheme to minimise the risk of off-site flooding) of applications 21/00213/OUT and 21/01917/NMA (Phase 3 Only)	Approved	19.05.2022
22/00367/S106A	Deed of variation under TCPA 1990 Section 106A of the terms of	Current	

the Unilateral Undertaking (UU) dated 30th October 2019 linked to outline planning permission 17/01181/OUT - (Approved under appeal APP/P1560/W/19/3220201 and separately via 21/00213/OUT) - To the effect that the open space within the scheme will, instead of being transferred to the council, be transferred into the ownership of a private management company to secure its management and maintenance in perpetuity.

22/00395/DISCON	Discharge of condition 20 (details of the estate roads and footways) of applications 21/00213/OUT and 21/01917/NMA.	Approved	25.04.2022
22/00404/DISCON	Discharge of conditions 9a,(Detailed surface water drainage scheme) 9b,(Maintenance arrangements) 10 (Foul water strategy) and 11 (Scheme to minimise the risk of off-site flooding) in respect of phase 4 details of applications 21/00213/OUT 21/01917/NMA.	Approved	30.06.2022
22/00406/DISCON	Discharge of condition 3 (Details of the estate roads and footways) of application 21/00197/DETAIL.	Approved	14.04.2022
22/00566/DISCON	Discharge of condition 8B (Archaeological fieldwork) of application 21/00213/OUT.	Approved	16.05.2022
22/00773/NMA	Non-material amendment sought to 21/00197/DETAIL to add minor adjustments to the layout and some housetypes to offer design enhancements (Phase 1 only).	Current	
22/00799/DISCON	Discharge of condition 13 (Materials) phase 1 only of application 21/00197/DETAIL.	Approved	27.06.2022
22/00958/FUL	Proposed local convenience store and 80 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.	Current	
22/01104/VOC	Variation of conditions 1 and 2 of application 21/00197/DETAIL to allow minor amendments to the layout, house types and unit mix (concerning phases 2 and 3 only).	Current	
22/01162/DISCON	Discharge of condition 9 of approved application	Approved	05.09.2022

21/00197/DETAIL (Badger Activity)

22/01258/ADV	Proposed 18x flags and 2x v shaped boards for marketing/advertising signage for new residential development.	Current	
22/01295/FUL	Proposed formation of temporary sales access road from Long Road, in respect of residential development at Land to the South of Long Road, Mistley.	Approved	29.09.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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

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.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks advert consent for the erection of 18x flags and 2x v shaped boards for marketing/advertising signage for new residential development.

Upon the officers site visit some of the signage had already been erected.

Public Amenity

The site benefits from existing planning permission (detailed above in the history) for a new residential development, with some houses already at various stages of construction. The new signage will advertise this new development and will be seen from Long Road and Clacton Road.

Whilst visible the signage is set back from the site boundaries and clear of the highway reducing its prominence. The signage will be illuminated by uplighters pointed to the signs and away from the highway. The amount and sizing of the signage are considered appropriate to the site and will not adversely impact to the character and appearance of the local area.

The majority of the land opposite is vacant apart from a small selection of houses to the north east of the site. As a result of their distance away and the positioning of the signs away from site boundaries it is considered the proposal would not result in an adverse impact to these properties.

Highway Safety

Essex County Council Highways have been consulted on the application, and have no objection subject to a condition requesting signage is clear of the highway, subject to relevant Informatives.

Other Considerations

The parish council queried the amount of flag poles proposed as there seemed to be a discrepancy between the plans and proposal. This has since been confirmed and clarified with the agent. The parish Council have been notified of this however have not provided any further comments. The officer has confirmed with the agent that further signage will require a separate application for advert consent.

One letter of objection has been received raising concerns over;

- Access

This application is for advert consent and not the access.

- Additional traffic to roads.

This application is for advert consent and not new dwellings.

- Signage to distract drivers.

The signage will be sited clear of the highway to reduce impact to drivers and ECC Highways have confirmed no objection. The proposal will therefore not result in a significantly harmful impact in terms of highway safety.

Conclusion

In the absence of material harm as a result of the proposed development, this 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:

CC-0354-SS-050 B - Amended Block Plan
Manningtree Signage V Boards and Flags (Draft 20/07/22)
Details of Uplighters (scanned 22 July 2022)

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

- 3 All signage must be placed clear of the highway. The Highway Authority will not authorise any signage associated with the development to be placed within the highway.

Reason - In the interests of highway safety.

8. Informatives

Highway Safety

Note: The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign in the highway which is considered to be an obstruction to the safe and convenient passage of the public in the highway.