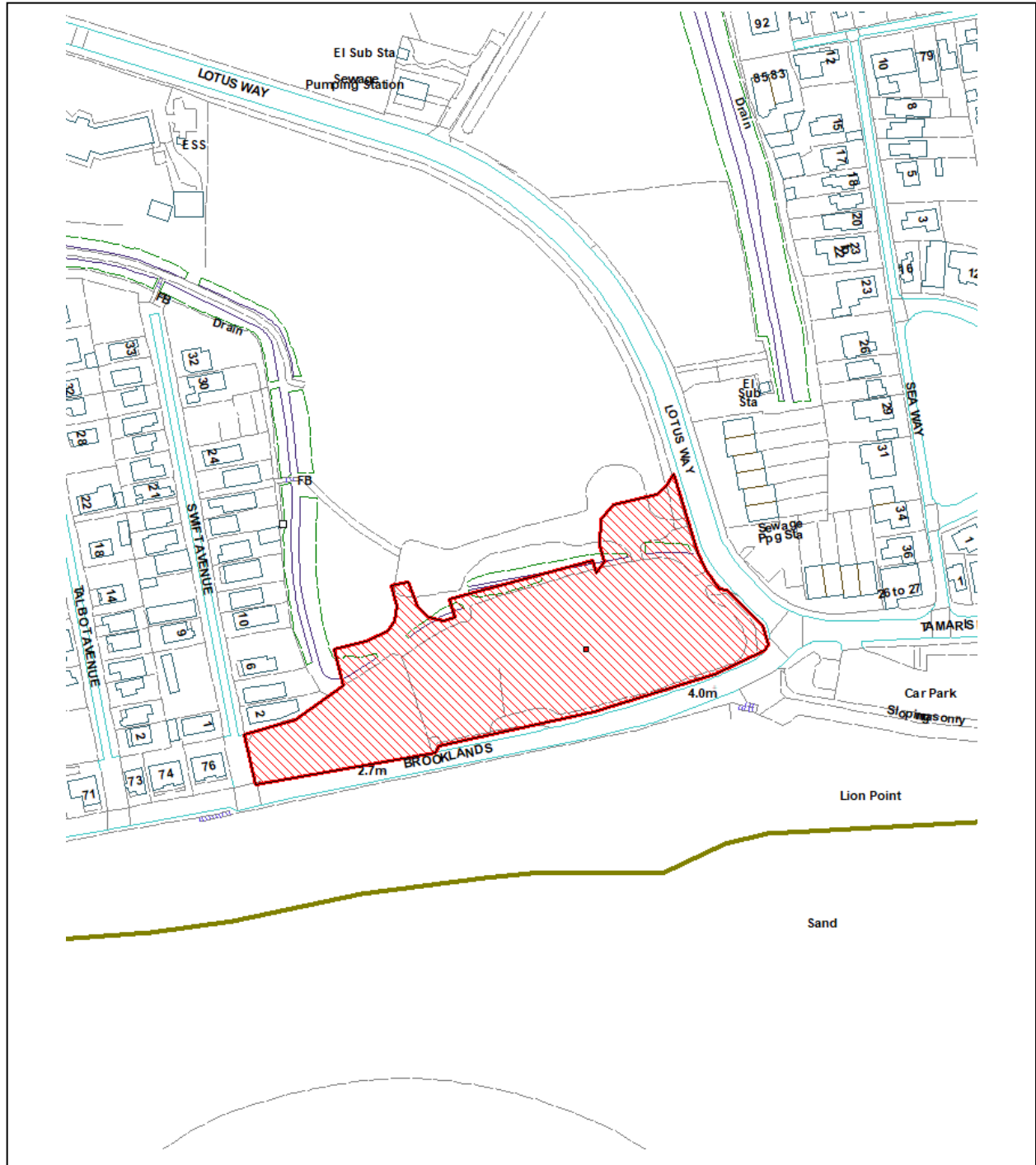


PLANNING COMMITTEE

20<sup>th</sup> December 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

**A.5 PLANNING APPLICATION – 22/01548/ADV – LAND ADJACENT TO LOTUS WAY AND BROOKLANDS JAYWICK CO15 2JE**



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**Application:** 22/01548/ADV

**Town / Parish:** Clacton Non Parished

**Applicant:** Barbara Pole - Tendring District Council

**Address:** Land adjacent to Lotus Way and Brooklands Jaywick CO15 2JE

**Development:** Proposed building name signage at high level on the west facade of building.

## 1. **Executive Summary**

- 1.1 This application is for the consent to display advertisement on a new commercial building within Jaywick and is brought to Planning Committee as the applicant is Tendring District Council.
- 1.2 The new signage will display the name of the new building and will not be illuminated.
- 1.3 The amount, design and siting of the signage is considered appropriate to the existing building and area and will not result in a loss of amenities to neighbouring properties.

### **Recommendation:**

- 1) That the Planning Manager be authorised to Grant Advertisement Consent subject to conditions as stated at paragraph 8.2 (or as need to be varied\*) and those as may be deemed necessary by the Planning Manager; and,
- 2) Any informative notes as may be deemed necessary.

*\*To account for any errors, legal and necessary updates*

## 2. **Planning Policy**

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

### 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**

- 2.2 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.

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

91/00112/FUL	Continued use of Sunday market and car park 1 March to 31 December each year	Approved	03.09.1992
91/00866/FUL	Use of site for Saturday car boot sale and Sunday market 1 March to 31 December each year with ancillary car park.	Approved	03.09.1992
21/00871/FUL	Proposed business units, covered market, community garden, public WCs and associated public realm.	Approved	09.07.2021
21/01707/NMA	Non-material amendments to permission 21/00871/FUL sought for access road and carpark landscaping shifted marginally to accommodate larger vehicle loading, with relocation of cycle storage and air source heat pump within landscape. Omission of large planters to south elevation and other minor changes to landscape and external fixtures and furnishings. Omission of 4No rooflights, repositioning of rooflights and ventilation terminals, access hatch and personal fall protection equipment shown. Roof level increased by +100mm at highest point and minor changes to canopy, with changes to position of 3No windows on first floor, and unit door arrangement on ground floor level South elevation. Changes to cafe door arrangement on east elevation with omission of 2No vents on West elevation. Changes to window arrangement to F.13 on first floor, and door arrangement to Unit G.09 on north elevation and minor changes to openings and facade detail on all elevations.	Approved	25.11.2021
21/01743/DISCON	Discharge of conditions 3, (Hard and soft landscaping) 7, (CEMP) 10, (Details of new bus stop) 15 (Details of works to estate roads) and 24 (Details of external lighting) of application 21/00871/FUL.	Approved	25.01.2022

21/02098/DISCON	Discharge of Conditions 16 (archaeological and geoarchaeological investigation ) and 19 (detailed surface water drainage scheme ) of planning permission 21/00871/FUL	Approved	15.02.2022
22/00570/DISCON	Discharge of condition 9 (Construction management plan) of application 21/00871/FUL.	Approved	11.04.2022
22/00595/DISCON	Discharge of condition 23 (Proposed gas protection measures and groundworks) of application 21/00871/FUL.	Approved	28.04.2022
22/01449/DISCON	Discharge of condition 5 (Hard and Soft Landscaping) and 8 (Biodiversity Enhancement Strategy) of application 21/00871/FUL.	Approved	27.09.2022

#### **4. Consultations**

4.1 None required.

#### **5. Representations**

5.1 None received.

#### **6. Assessment**

##### Site Context

- 6.1 The site comprises of an area of land located within the development boundary of Jaywick which has already received planning permission under reference 21/00871/FUL for the erection of business units, covered market, community garden, public WCs and associated public realm.
- 6.2 This new building is currently under construction with metal framing already in situ.
- 6.3 The site is located on a corner plot setting which is close to the seafront with elevations serving Brooklands and Lotus Way. The site is also within the vicinity of residential dwellings sited to the east and west.

##### Proposal

- 6.4 This application seeks advert consent for the proposed building name signage at high level on the west facade of building. Broadly there are only two criteria for planning judgement in respect of advertisements, highway safety and amenity. The site by reason of its design and location is not considered to cause any highway safety issues. Amenity is addressed further below.

##### Public Amenity

- 6.5 The site comprises of a new commercial building approved under planning permission 21/00871/FUL with the proposed signage intended to advertise the name of the premises. The signage will not be illuminated.
- 6.6 The proposal will be publicly visible however will be set back from the site boundaries and clear of the highway reducing its prominence.
- 6.7 The amount and sizing of the signage is considered appropriate to the site and will not adversely impact to the character and appearance of the local area.

#### Impact on Neighbours

- 6.8 The proposed new signage will be visible to residents of houses across the road and adjacent to the site however as a result of the small scale nature along with the new buildings distance away from shared boundaries it is considered the proposal would not result in an adverse impact to these properties.

### **7. Conclusion**

- 7.1 The signage is considered to be suitable to the site and surroundings conforming to local and national policies. In the absence of material harm as a result of the proposed development, this application is recommended for approval.

### **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions.

#### 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: -
  - 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.
  - 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.
  - 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.
  - 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.
  - 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: 182\_HAT\_PL\_500 P1, received 13th September 2022.

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

### 8.3 Informatives

None required.

## 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:
  - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - 9.3 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
  - 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.
- 9.9 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).
- 9.10 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

- 9.11 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/>.