

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                                  | INITIALS | DATE       |
|--|----------|------------|
| Case officer recommendation:                   | ER       | 16/03/2023 |
| Planning Manager / Team Leader authorisation:  | AN       | 16/03/23   |
| Planning Technician final checks and despatch: | ER       | 16/03/2023 |

**Application:** 23/00096/ADV **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Martin Brown - Harlequin Group

**Address:** Footpath outside McDonalds 24 - 26 Pier Avenue

**Development:** Proposed installation of 2no. digital 75 inch LCD display screen, one on each side of the Street Hub unit.

### **1. Town / Parish Council**

Clacton non parished

### **2. Consultation Responses**

ECC Highways Dept  
10.02.2023

This application is directly related to pending application 23/00128/FUL.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The Highway Authority will protect the principal use of the highway as a right of free and safe passage of all highway users.

As indicated on drawing; BT STREETHUB CLN-212, the unit is located too close to the edge of carriageway. The location of the unit is positioned on the inside of a bend adjacent to the carriageway and it will impact on the visibility of any pedestrian crossing in the vicinity of the unit and Pier Avenue is a busy pedestrian friendly location and the interference which this proposal would engender for both pedestrians and approaching vehicles who would be distracted by the advertisements, resulting in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

The proposal is therefore contrary to policy DM1, and DM7 contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: Any apparatus located within the highway should be positioned at the back of the footway.

2: A minimum footway width of 2 metres must be retained adjacent to the apparatus at all times and must not be in the vicinity of a formal pedestrian crossing facility.

3: Consider as any other application for: obstruction, visibility obstruction, luminance, and distraction issues (display units: flashing/intermittent images).

The Highway Authority may consider a revised application that addresses the issues highlighted above.

### 3. Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| 91/00542/FUL | Continued siting of tables and chairs on forecourt area (Renewal of permission TEN/683/89)   | Approved | 02.07.1991 |
| 06/01258/ADV | 2 no. 'M' logo signs, 2 no. 'McDonalds' signs and 2 no. projecting signs.  | Approved | 26.10.2006 |
| 06/01261/FUL | Redecoration of shopfront including installation of timber slat detail to window heads   | Approved | 08.11.2006 |
| 13/01421/FUL | External seating to be placed on the pavement outside the existing restaurant - 8 tables and 32 chairs and associated barriers.  | Approved | 15.01.2014 |
| 15/01009/FUL | Refurbishment and reconfiguration of shop front to include the relocation of the entrance, new full height glazing with frames finished in Khaki Green Ral 6015, new stall riser and fully automated sliding entrance door to be fitted. Installation of new aluminium fascias panels and trespa cladding to the columns with the installation of 1 no internal LCD promotional screen, replacement and new signage.   | Approved | 06.08.2015 |
| 15/01010/ADV | Reconfiguration of shop front to include the relocation of the entrance and new signage.   | Approved | 06.08.2015 |
| 15/01450/FUL | Resubmission of planning approval 15/01009/FUL. Refurbishment and reconfiguration of shop front to include the relocation of the entrance, removal of low level planter and installation of small double doors to form external storage cupboard, new full height glazing with frames finished in Khaki Green Ral 6015, new stall riser and fully automated sliding entrance door to be fitted. Installation of new aluminium fascias panels and trespa cladding to the columns with the installation of 1 no internal LCD promotional screen, replacement and new | Approved | 09.11.2015 |

signage.

|              |   |         |
|--------------|---|---------|
| 23/00096/ADV | Proposed installation of 2no. digital 75 inch LCD display screen, one on each side of the Street Hub unit.  | Current |
| 23/00128/FUL | Proposed installation of proposed street hub and associated display of advertisement to both sides of unit. | Current |

#### **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

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)  
SPL3 Sustainable Design  
CP2 Improving the Transport Network

#### **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)**

Application Site

The application site comprises of a section of pavement outside of a fast food restaurant / taken away located within the Town Centre of Clacton The surrounding buildings typically serve commercial premises to the ground floor and residential above.

The site is located on a section of road which has forms a noticeable bend around to Pier Avenue.

Proposal

This application seeks advertisement consent for the proposed installation of BT Street Hub and associated display of advertisement to both sides of unit.

The new street hub structure contains advertisements on both sides of the unit. This unit will be an electronic advertisement and will have other benefits such as WIFI and emergency services calling.

Assessment

Design and Appearance

Paragraph 130 of the National Planning Policy Framework 2021 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local

character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Paragraph 106 of the NPPF States that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy SP7 seeks high standards of design that responds positively to local character and context. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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, scale and form.

The proposal will be located in front of the existing fast food restaurant/ takeaway establishment and will be a noticeable and prominent addition within the streetscene in the core of the shopping area.

The introduction of this illuminated digital advertisement unit by virtue of its size and design would appear as a prominent and harmful feature located in the core of the town centre shopping area detrimental to visual amenity and the character and appearance of the local area.

The proposal is therefore considered not to respond accordingly to the character and appearance of the streetscene and locale and would result in a significantly harmful impact in terms of visual amenity.

#### Highway and Public Safety

Paragraph 106 of the NPPF States that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond, also states that planning permission will not be granted if there would be an unacceptable impact on highway safety.

As indicated on drawing; BT STREETHUB CLN-212, the unit is located too close to the edge of carriageway.

The location of the unit is positioned on the inside of a bend adjacent to the carriageway which will impact on the visibility of any pedestrian crossing in the vicinity of the unit and Pier Avenue. The site is a busy pedestrian friendly location and the interference which this proposal would engender for both pedestrians and approaching vehicles who would be distracted by the advertisements, would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

ECC Highways Authority have been consulted on the application and object to the proposal. It is noted that the applicants are advised to seek consent from ECC who own the land before submitting applications on their land.

#### Other Considerations

Clacton is non parished and therefore comments of this nature are not required. There have been no letters of representation received.

#### Conclusion

The proposal is therefore considered contrary to local and national policy resulting in a significantly harmful impact to the visual amenity of the area and public safety. The benefits of the proposal such as public WIFI and emergency services calling are not considered to outweigh this harm.

## 6. Recommendation

## **7. Reasons for Refusal**

- 1 Paragraph 130 of the National Planning Policy Framework 2021 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Paragraph 106 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy SP7 seeks high standards of design that responds positively to local character and context. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) 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, scale and form.

The introduction of this illuminated digital advertisement unit by virtue of its unsympathetic design in terms of its size and illumination would appear as a prominent and harmful feature located in the core of the town centre shopping area detrimental to visual amenity and the character and appearance of the local area.

The proposal is therefore considered not to respond accordingly to the character and appearance of the streetscene and locale and would result in a significantly harmful impact in terms of visual amenity contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

- 2 Paragraph 106 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Policy CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond, also states that planning permission will not be granted if there would be an unacceptable impact on highway safety.

The location of the unit is positioned on the inside of a bend adjacent to the carriageway which will impact on the visibility of any pedestrian crossing in the vicinity of the unit and Pier Avenue. The site is a busy pedestrian friendly location and the interference which this proposal would engender for both pedestrians and approaching vehicles who would be distracted by the advertisements, would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.

The proposal therefore conflicts with the above policies resulting in a harmful impact to public and highway safety contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

## **8. Informatives**

### Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- Existing and Proposed Site Photo
- Street Hub Brochure
- Product Statement
- Planning Supporting Statement
- Noise Management Plan
- Frequently Asked Questions
- Anti Social Behaviour Management Plan
- Site and Location and Block Plan
- Proposed Elevations

|  |            |           |
|--|------------|-----------|
| <p><b>Are there any letters to be sent to applicant / agent with the decision?</b><br/> <b>If so please specify:</b></p> | <p>YES</p> | <p>NO</p> |
| <p><b>Are there any third parties to be informed of the decision?</b><br/> <b>If so, please specify:</b></p>             | <p>YES</p> | <p>NO</p> |