

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JR	23.03.2023
Planning Manager / Team Leader authorisation:	JJ	23/03/2023
Planning Technician final checks and despatch:	ER	24/03/2023

Application: 22/01184/ADV **Town / Parish:** Mistley Parish Council

Applicant: Mrs Sharon Levell - Hopkins Homes Limited

Address: River Reach Forrester Road Mistley

Development: Consent to retain 4x post mounted marketing signs creating 2 V boards and 10x flagpoles and flags.

1. Town / Parish Council

Mrs Susan Clements The proposal should be refused on the grounds that the large signs (which are in place already) are obstructing the traffic view/sight line when exiting Forrester Road. The Parish Council is aware that the signs are subject to a planning breach.

The Committee noted that the application has been called in to be considered by the LPA's Planning Committee as opposed to an Officer delegated decision via the LPA's scheme of delegation.

2. Consultation Responses

ECC Highways Dept
07.09.2022 1st
Consultation It does appear the marketing sign placed outside the site (photo submitted- Sign 1) is obstructing visibility for vehicles egressing onto the B1352 and forward visibility for vehicles travelling along the B1352 - the drawings submitted aren't that helpful really. Previously the sign was placed into the site clear of the splay and higher.

ECC Highways Dept
2nd Consultation
21.02.2023 All four signs and the two flag poles need to be removed from what is the highway verge as they impact on the visibility splays. As with the first flag pole, all the flag poles should be positioned behind the newly planted hedgerow and not in the highway verge/ visibility splay.

Similarly with the four signs, they should also be positioned behind the newly planted hedgerow, but are likely to need to be reduced to two single signs on two posts as per the other sign located the other side of Forrester Road just facing the road so not to encroach on the visibility splays or the shared footway/ cycleway running in front of the houses

3. Planning History

18/01994/OUT	Outline planning application for the erection of up to 100 dwellings with associated vehicular access, landscaping, open space, car parking and pedestrian links.	Refused	23.07.2019
20/01429/DETAIL	Reserved matters application for the erection of up to 100 dwellings	Approved	10.03.2021

with associated vehicular access, landscaping, open space, car parking and pedestrian links.

21/01954/VOC	Variation of condition 1 (Plans) of application 20/01429/DETAIL to amend the layout of 4 apartments (Plots 26-29).	Approved	17.02.2022
22/01702/DOVU5	Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 30 January 2020 linked to outline planning permission 18/01994/OUT	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

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

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

Site Description

The application site is on the southern side of Harwich Road, in Mistley. The site comprises of a large new build development, which is now entering its second phase of construction.

Proposal

This application seeks retrospective advertisement consent for the installation of 10 x flags and flagpoles and 2 No. V shaped boards (4 signs in total) for marketing/advertising signage for the residential development. Although the signage is in place, amended plans have been received and the signage is to be moved further south behind the newly planted hedging to the front of the development facing Harwich Road. This is due to officer, highways and Councillor concerns raised regarding the development and its impact on the visibility splays when exiting Forrester Road.

Public Amenity

The site benefits from existing planning permission (detailed above in the history) for a new residential development, with the first phase to the front nearing completion. The new signage will advertise the second phase of development and will be seen from Harwich Road.

Whilst the signage and flags would be visible within the streetscene, as is their intention, the amended location, sees the signage and flags sited further back from the highway boundary and set now behind the newly planted hedge. Therefore reducing their prominence within the streetscene. The signage is not illuminated. This type of advertisement is commonplace for a new housing development and the number and sizing of the signs and flags proposed are considered appropriate to the site and are not considered to adversely impact to the character and appearance of the local area.

There are residential properties opposite to the site, fronting Harwich Road, however they are some distance away and have relatively deep front gardens. The new build dwellings to the south side of Harwich Road are considered to be orientated away from the signage and the majority of the signage is in front of the vacant land adjacent to the new build dwellings. Therefore it is considered the proposal would not result in an adverse impact on these properties.

Highway Safety

Essex County Council Highways have been consulted on the application and following the submission of amended plans showing the revised location have no objection to the proposed signage and flags. Therefore there are no concerns raised in regards to Highway Safety.

Third Party Consultation Responses

One representation has been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

Summary of matters raised:

- Objection on highway safety grounds as the signage in its current location obscures the view for vehicles exiting Forrester Road.

Officer Note – This was also the view of the Highways Authority and subsequently the signage has been moved to address this matter, and as outlined above.

Conclusion

It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval - Advertisement Consent

7. Conditions

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.
 6. The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing No: 001 – Site Location Plan

Drawing No: 1001 Rev F – External Works Layout showing signage locations

Drawing No: 01126-05 - Proposed Flag Elevations

External Signage – Trident Marketing – Rec'd 13.07.2022

Sign Specification – Rec'd 13.07.2022

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

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

7. 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

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.

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