

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	01.06.2023
Planning Manager / Team Leader authorisation:	AN	01/06/23
Planning Technician final checks and despatch:		

Application: 23/00487/ADV

Town / Parish: Clacton Non Parished

Applicant: Mr Anthony Reilly - The Bank of Scotland PLC

Address: 10 Station Road Clacton On Sea Essex

Development: Proposed 2 no. illuminated fascia signage, 1 no. new opening times signage, 1 no. ATM advert panel, 1 no. new illuminated ATM, 2 no. chevron manifestation deployed on Station Road. 1 no. illuminated signage, 1 no. illuminated projecting sign and 2 no. heritage chevron manifestation deployed on Pallister Road.

1. Town / Parish Council

Clacton non-parished

No comments required

2. Consultation Responses

ECC Highways Dept
15.05.2023

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the luminance levels do not exceed the recommended level of 600 cd/m for a medium district area (small town centre), as contained within the Technical Report No.9 - Brightness of Illuminated Advertisements Third Addition; and the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

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**

00/01462/FUL	Installation of a 60cm satellite dish	Approved	09.10.2000
02/01564/ADV	Illuminated fascia strip and projecting sign. Internally illuminated ATM surround, lightbox and receipt bin	Approved	02.10.2002
91/00787/ADV	Internally illuminated box sign.	Approved	14.08.1991
94/00115/ADV	(National Westminster Bank Plc, 10 Station Road, Clacton on Sea) Illuminated fascia and projecting signs	Approved	11.03.1994
96/00767/ADV	Illuminated fascia and ATM signs	Approved	12.08.1996
04/00898/FUL	2 No. external lights.	Approved	15.06.2004
91/0787/ADV	Internally illuminated box sign.	Approved	29.07.1991
14/30114/PREAPP	New broadband cabinet.		07.03.2014
14/01231/ADV	Installation of the following external shopfront signage after removing those insitu: 3no. 620mm high Natwest fascia with 3no. set of 434mm high internally illuminated lettering and logo. 2no. 600mm high Natwest internally illuminated projecting sign. 1no. internally illuminated Natwest ATM surround.	Refused	16.01.2015
15/01371/ADV	Proposed three new 350mm fascia advertisements panels and one new chevron logo above door.	Approved	23.12.2015
17/01384/FUL	Replacement air conditioning unit within acoustic louvred enclosure to rear of building upon flat roof.	Approved	22.11.2017
23/00487/ADV	Proposed 2 no. illuminated fascia signage, 1 no. new opening times signage, 1 no. ATM advert panel, 1 no. new illuminated ATM, 2 no. chevron manifestation deployed on Station Road. 1 no. illuminated signage, 1 no. illuminated projecting sign and 2 no. heritage chevron manifestation deployed on Pallister Road.	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

Local Planning Guidance

Essex Design Guide

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 advertisement consent for the following development;

As seen from Station Road;

- 2 no. illuminated fascia signage to be replaced with new specification
- 1 no. new opening time signage to be replaced with new specification
- 1 no. ATM advert panel "Get cash here"
- 1 no. new illuminated ATM surround to be deployed
- 2 no grey chevron manifestation deployed

As seen from Pallister Road;

- 1 no illuminated fascia signage to be replaced with new specification
- 1 no illuminated project sign to be replaced with new heritage specification
- 2 no grey heritage chevron manifestation deployed

It is important to note that the site has received a split appeal decision under reference 15/00020/REFMC allowing for a similar development in respect of the illuminated ATM surround and illuminated projecting sign. This appeal decision also refused 3 no. Fascia signs of a similar

size, scale and internally illuminated design to the current proposal, however these were of a higher illuminance level than that of the proposed.

15/01371/ADV approved three fascia signs but these were amended to be externally lit by trough lights thereby significantly reducing the visual impact and prominence of the fascia signs within the street scene.

Application Site

The application site serves a four-storey building, which has been used as a NatWest banking branch for several years. The building is of a grand design and appears prominently within the Clacton-on-Sea town centre and town square.

Assessment

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design and developments which are sympathetic to local character and history, including the surrounding built environment. Paragraph 136 of the NPPF confirms: The quality and character of places can suffer when advertisements are poorly sited and designed.

Policies SP7 and SPL 3 of the Tendring District Local Plan 2013-2033 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties, and the development respects or enhances local views, open spaces and other locally important features.

Policy PPL 8 (Conservation Areas) of the Tendring District Local Plan 2013-2033 and Beyond Section 2 confirms new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: a. scale and design, particularly in relation to neighbouring buildings and spaces; and e. any important views into, out of, or within the Conservation Area.

The proposal is sited opposite a prominent public open space within Clacton Town Centre, at a junction of five roads in the core of the historic seaside resort. The host building is a grand four storey building which is a positive feature in the streetscene. The site abuts the Clacton Seafront Conservation Area at its rear boundary.

The proposed new opening time signage will be located to the front of the building and will be visible from Station Road. This sign is considered to be of a minor size and scale and will not appear overly prominent within the area. It is therefore deemed to be of an acceptable design and appearance.

The proposed new ATM advert panel and new illuminated ATM surround will be located to the front of the building and are visible from Station Road. The panel and surround will be finished in typical NatWest Colouring with a purple background, white text reading "get cash here" and the red NatWest logo. The ATM advert panel and illuminated ATM surround are considered to be of an acceptable size and scale, despite the illumination they are not thought to appear overly dominant and will blend with the character of the locality. They are not deemed to appear overly intrusive and therefore have no significant harmful impacts on the visual amenities of the area.

The illuminated projecting sign will be located on the front elevation and will be visible from the public views of Palister Road and Station Road. This projection is considered to be of a minor size and scale and so will not appear overly dominant within the area. It is considered to be of a design and appearance in keeping with the locality and has no significant harmful impact on the visual amenities of the area.

The proposed 3 internally illuminated fascia signs will be visible to the public views of the streetscenes. Two of these signs will be located to the front of the building, facing onto Station Road, and one will be located to the side of the building facing onto Palister Road. The signs are considered to have a prominent appearance within the area, adding a level of illumination to these will further increase their overly dominant impact. Whilst the Local Planning Authority notes that advertisements of this nature are not alien to the area, the significance of the existing traditional building must be taken into consideration here. The internally illuminated signage, coupled with the purple background, white text and red logo will detract from the positive visual character of the existing building. The proposed 3 no. internally illuminated fascia signs are therefore deemed to be of a poor design with significant harmful effects to the appearance of the site. The fascia signs are therefore contrary to the aforementioned National and Local policies.

Impacts on Residential Amenities

The site is located within a town centre location, due to the nature of this location the proposal is not considered to have any significant harmful impacts on residential amenities.

Highway Safety

Essex County Council Highways have been consulted on the application. Their comments have been provided in full above. Essex County Council Highways have confirmed they have no objection to the application. The proposal is therefore acceptable in terms of highway safety.

Other Considerations

Clacton is non-parished and so no comments are required.

No other letters of representation have been received.

Conclusion

For the reasons set out above the proposed opening time signage, the ATM advert panel, the illuminated ATM surround and the illuminated project sign are all considered to be of an acceptable design and appearance with no significant harmful impact on the visual amenities of the area and acceptable in terms of highway safety. In the absence of material harm these aspects of the application are recommended for approval.

However, for the reasons set out above, the 3 no. internally illuminated fascia signs are considered to appear overly dominant and over bearing, Detracting from the currently positive visual impacts of the existing building. The 3 no. fascia signs are therefore deemed to have a significantly harmful impact on the visual amenities of the area and cannot be approved for this reason.

6. Recommendation

Split Decision

7. Conditions / Reasons for Refusal

- 1 The proposed three illuminated fascia signs are hereby REFUSED.

One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Paragraph 136 of the NPPF also confirms that the quality and character of places can suffer when advertisements are poorly sited and designed.

Local Plan Policies SP7 and SPL 3 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design; and the development respects or enhances local views, open spaces and other locally important features.

The proposal is sited opposite a prominent public open space within Clacton Town Centre, at a junction of five roads in the core of the historic seaside resort. The host building is an impressive four storey building which is a positive feature in the streetscene. The site abuts the Clacton Seafront Conservation Area at its rear boundary.

It is considered that the design and detailing of the three proposed fascia signs, being internally illuminated, does not respect the character of the building on which they are displayed. It is therefore considered that the proposal would result in harm to the character and appearance of the host building and the visual amenity of the area, contrary to the above policies.

2 APPROVED PLANS & DOCUMENTS - 1 NO NEW OPENING TIME SIGNAGE, 1 NO. ATM ADVERT PANEL, 1 NO. NEW ILLUMINATED ATM SURROUND AND 1 NO ILLUMINATED PROJECTING SIGN

CONDITION: 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. 2114/G1P/E1
Drawing No. 2114/G1P/E2
Design and Access Statement

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.

3 ADVERTISEMENT CONSENT - 1 NO NEW OPENING TIME SIGNAGE, 1 NO. ATM ADVERT PANEL, 1 NO. NEW ILLUMINATED ATM SURROUND AND 1 NO ILLUMINATED PROJECTING SIGN

CONDITION - 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.

8. Informatives

Positive and Proactive Statement - 1 No New Opening Time Signage, 1 No. ATM Advert Panel, 1 No. New Illuminated ATM Surround And 1 No Illuminated Projecting Sign

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Positive and Proactive Statement - Proposed 3 no. illuminated Fascia signs

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Highways 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.

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