

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AP	11/9/2023
Planning Manager / Team Leader authorisation:	ML	11/09/2023
Planning Technician final checks and despatch:		

**Application:** 23/00768/ADV **Town / Parish:** Harwich Town Council

**Applicant:** Mr Ali Kayhan

**Address:** 737 Main Road Harwich Essex

**Development:** Retrospective application for an internally illuminated fascia sign, single circular non-illuminated projecting sign and 1.5m high x 2.5m wide illuminated signage.

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

Harwich Town Council

Harwich Town Council makes no objections to this application, but makes observations and raises concerns that this application is retrospective.

### **2. Consultation Responses**

ECC Highways Dept  
29.08.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that new sign is to be externally illuminated and will be located on the side of the building, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The proposed light source shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

Reason: To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with Policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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](mailto:development.management@essexhighways.org)

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

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.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

### **3. Planning History**

01/00929/ADV	1 x wall mounted 48 sheet panel	Refused	06.08.2001
98/01150/ADV	(Side wall of 737 Main Road, Dovercourt) 48 sheet advertisement panel	Refused	06.10.1998
90/00003/FUL	Extension and alterations to existing Fish and Chip Shop with first floor flats.	Refused	20.02.1990
23/00768/ADV	Proposed 1.5m high x 2.5m wide illuminated signage.	Current	

### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2023 (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

## **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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

## **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

## **5. Officer Appraisal**

### Proposal

This application seeks retrospective consent for the provision of an internally illuminated fascia sign, a single circular non-illuminated projecting sign and a 1.5m high x 2.5m wide externally illuminated sign to the shop front of 737 Main Road in Harwich. 737 Main Road is a takeaway premises, and the application site lies close to the junction of Ramsey Road and the B1414 where there are convenience stores, a garage offering vehicle, tyre services and MOT's and one other takeaway. The shops and commercial premises are located in a busy area.

### Appraisal

The proposal includes an aluminium fascia sign which spans the width of the shop front above the window and entrance door. The background of the sign is black with the main lettering internally illuminated yellow. Other text on this sign is grey and not illuminated. The projecting sign is fixed on the front elevation of the shop, above the fascia sign, on the western side. The externally illuminated sign is fixed to the side of the building facing west, externally illuminated to 40 cd/m<sup>2</sup>.

737 Main Road is located in a prominent position near the corner of the road junction and therefore any signs on this building will be highly visible, taking into account its position and uses of the buildings in the immediate area it is considered that as a result of the design and scale of the signs they would not result in an adverse impact to public amenity.

Essex Highways were consulted as part of the advert consent application, and they confirm the impact of the proposal is acceptable to them subject to a condition about the sign lighting which will be imposed on the grant of consent.

### Other Considerations

Harwich Town Council do not object to the application.

### Conclusion

In the absence of any harm to amenity and public safety resulting from the development the application is recommended for approval.

## **6. Recommendation**

Approval - Advertisement Consent

## 7. Conditions

### 1 ADVERTISEMENT (SCHEDULE 2 CONDITIONS)

#### CONDITIONS:

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.

REASON: All advertisements displayed with the (express) consent of the Local Planning Authority are subject to these standard conditions by virtue of Schedule 2 to the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended).

### 2 ONGOING REQUIREMENT IMPOSED: SOURCE OF ILLUMINATION

CONDITION: The light source of the advert/s shall not be visible from any public highway and/or public footway at any time.

REASON: To reduce the risk of disability or discomfort glare for either pedestrians or motorists to the detriment of amenity and safety.

#### NOTE/S FOR CONDITION:

Should there be any doubt as to the status of the highway and/or footway being for the public please contact the Local Planning Authority to confirm. Private paths/rights of way and private roads/drives are not included.

### 3 APPROVED PLANS & DOCUMENTS

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.

The approved red line plan drawing is Drawing No. 0100 Revision P01 received 1 June 2023

Drawing No. 0300 Revision P02

Drawing No. 0301 Revision P01

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.

## 8. **Informatives**

### Highways Informatives

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