

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	RC	20/09/2023
Planning Manager / Team Leader authorisation:	ML	20/09/2023
Planning Technician final checks and despatch:	JJ	20/09/2023

**Application:** 23/01041/ADV **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Will Vote - Rose Builders

**Address:** Land South of Long Road Mistley

**Development:** Proposed 8 no. flags and 3 no. totem signs.

### 1. Town / Parish Council

No comments received.

### 2. Consultation Responses

ECC Highways Dept  
29.08.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that the proposals are set well back from the highway and any visibility splay and will be located on private land, considering these factors:

The Highway Authority does not object to the proposals as submitted and shown in principle on drawing no. H574-I-002.

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: Any external light source proposed with the signage shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from 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

15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.	Approved	13.04.2017
17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Approved	14.03.2018
18/00304/DISCON	Discharge of conditions 3 (Masterplan), 7 (Construction Management Plan), 12 (Surface Water Drainage Scheme), 13 (Foul Water Strategy), 14 (Hard and Soft Landscaping), 16 (Ecological and Management Plan), 17 (Tree Protection Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT	Approved	30.10.2018

18/00750/DISCON	Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved planning application 15/00876/OUT.	Approved	02.07.2018
18/01094/DISCON	Discharge of Condition 19 (street lighting) of 15/00876/OUT.	Approved	17.08.2018
18/01548/DISCON	Discharge of condition 7) Construction Management Plan - to approved Planning Application 15/00876/OUT.	Approved	11.02.2019
19/00211/FUL	Re-location of approved electrical substation (retrospective) and parking spaces.	Approved	07.06.2019
19/00274/DISCON	Discharge of Condition 18C (Archaeological Excavation Report) of application 15/00876/OUT.	Approved	28.03.2019
19/00900/DISCON	Discharge of Condition 14 (Landscaping) of application 15/00876/OUT.	Approved	12.07.2019
19/01475/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Approved	09.07.2020
19/01498/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.		04.11.2019
19/01698/DISCON	Discharge of condition 07 (construction Management Plan) 12 (Surface Water Drainage) 13 (Foul Water Strategy) 14 (soft Landscaping) 16 (Ecological mitigation scheme) 18 (Archaeology WSI) 19 (Refuse and external materials) 20 (construction Method Statement) and 24 (Remediation) of planning permission 15/00876/OUT.	Approved	29.05.2020

19/01751/DETAIL	Reserved matters application following outline permission 15/00876/OUT - Application to substitute "Cornelia" house type for "Barbier" house type at plots 86-87, 90-93, 100-101 as previously approved by 17/01527/DETAIL. Proposed substitution of "Cornelia" house type for "Cornelia Variation" housetype at plots 54-57. Change of rear and side elevations, and internal layout to "Alexander" house type at plots 75-79.	Approved	28.08.2020
20/00178/NMA	Non Material Amendment to approval of 15/00876/OUT for substitution of plots 39, 60 and 81 from "Braithewaite Variation" house type to "Braithewaite" house type. Hand plot 63.	Approved	25.03.2020
20/00458/OUT	Variation of condition 9 of 15/00876/OUT amending the delivery requirement of the spine road before the 201st occupation.	Approved	01.04.2021
20/00480/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 3 of outline permission (15/00876/OUT) including 100 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.	Approved	04.12.2020
20/00773/DISCON	Discharge of conditions (phase 3) 12 (Surface Water), 13 (Foul Water), 14 (Landscaping), 16 (Ecology Mitigation), 17 (Tree Protection), 19 (Refuse Collections and Materials Only), (phase 3 and 5) 18 (Archaeology) and 24 (Contamination) of planning permission 15/00876/OUT.		22.01.2021
20/01224/FUL	Proposed children's nursery.	Approved	18.11.2020
20/01337/DISCON	Discharge of condition 17 (tree protection) for phase 2 of planning permission 15/00876/OUT.	Approved	07.12.2020
20/01597/DISCON	Discharge of conditions 7 (Construction Management Plan) and 20 (Construction Method Statement) of the approved planning application 15/00876/OUT, phase 2 only.	Approved	26.02.2021

20/01681/DISCON	Discharge of condition 14 (Construction Management Plan) of approved planning application 20/01224/FUL.	Approved	26.01.2021
21/00026/DISCON	Discharge of condition 18 (archaeology) of approved planning application 15/00876/OUT.		16.02.2021
21/00141/NMA	Non-Material Amendment to previously approved 20/01224/FUL - revised railing position.	Approved	25.02.2021
21/00212/DISCON	Discharge of condition 19 (street lighting) of approved planning application 15/00876/OUT for Phase 2 only.	Approved	29.03.2021
21/00650/OUT	Variation of Condition 9 (Delivery of various highways improvement works) of approved application 15/00876/OUT (corresponding Condition 6 of a recently approved variation application 20/00458/OUT).	Approved	31.01.2022
21/00741/NMA	Application for a Non-Material Amendment to Planning Permission ref: 15/00876/OUT dated 13/04/2017 for the proposed substitution of the hipped Albertine for the gabled Albertine house type	Approved	26.05.2021
21/00859/DISCON	Discharge of condition 10 (Hard and Soft Landscaping) of approved planning application 20/00458/OUT	Approved	06.07.2021
21/01871/DISCON	Discharge of condition 13 (School travel plan) of application 20/01224/FUL	Approved	23.12.2021
22/01170/DISCON	Discharge of conditions 5 (Construction management plan) and 16 (Construction method statement) of application 21/00650/OUT.	Approved	25.04.2023
22/01612/NMA	Non Material Amendment to application reference 19/01475/DETAIL for amendments to Ophelia housetype incorporating amended kitchen design, alterations to front bays and alterations to the configuration of bedrooms causing minor alterations of window placement.	Approved	07.10.2022
22/01613/NMA	Non Material Amendment to application reference	Approved	07.10.2022

20/00480/DETAIL for amendments to Ophelia and Charlotte housetypes incorporating amended kitchen design, alterations to front bays and alterations to the configuration of bedrooms causing minor alterations of window placement. Charlotte housetype to include ground floor windows and a utility door to side elevation, front and rear windows added to central hall/landing and sidelights added to living room French doors.

22/01990/DISCON	Discharge of condition 12 (Ecological Mitigation and Management) of application 21/00650/OUT.	Approved	03.01.2023
23/00940/DISCON	Discharge of condition 16 (Construction Management Plan) of application 21/00650/OUT.	Approved	22.08.2023
23/01041/ADV	Proposed 8 no. flags and 3 no. totem signs.	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

##### **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 (including Site Description and Proposal)**

### Summary

Permission is sought for the addition of 8no. flags and 3no. totem signs at the entrance of Land South of Long Road, Mistley.

This application can be determined at officer level in accordance with the scheme of delegation, as none of the committee referral triggers have been met.

The applicant is not an elected member or member of staff or close relative, the land is not owned by the district council and in terms of consultation responses received, the Parish Council does not object and the ward member has not commented. Approval is recommended, subject to controlling conditions.

### Site Description

The application site is located south of Long Road and will be utilised for new dwelling houses. The site is located within the Lawford and Manningtree Settlement Development Boundary.

Outline Planning Permission was granted in April 2017 under ref: 15/00876/OUT for "The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground".

### Proposal

This application seeks advertising consent for the provision of the following signage;

- Flag A - Rose Homes for Life 5x

The flags would be located along the site entrance, showcasing the company and slogan in red, blue and white.

- Flag B - HBF Five Star 3x

The proposed flags would be along the site entrance and would be blue and white.

- Sign A - Welcome Totem 2x

The totems would be located at the application site entrance showing housing information and will be gold, blue and white.

- Sign B - Directional Totem 1x

The proposed sign would be located along the main road through the application site showing directions and would be gold, blue and white.

### Planning Considerations

Paragraph 136 of the NPPF 2023 states: "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."

It is not considered that the signage will have adverse impact upon the amenity of the area or the amenity of neighbours.

Policy SP7 states that all new development must meet high standards of urban and architectural design.

The application site is neither listed nor is it within a conservation area. The proposed signage would be located within a visually prominent location, however, it would have minimal impact to the visual amenity of the wider area, as it would not be poorly sited or designed.

Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that Local Planning Authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factor.

The position of the signage is outside the visibility splay of the site access, and it is set back so as not to affect visibility along Long Road. It is non-illuminated. Essex County Council's Highway department have been consulted on the application and have deemed the application acceptable subject to the conditions stated.

Third-party representatives were consulted, and no comments were received.

### Conclusion

The proposed plot additions would be acceptable, subject to controlling conditions, as they comply with the relevant policies, legislation, and guidance.

## **6. Recommendation**

Approval - Advertisement Consent

## **7. Conditions**

### 1 ADVERTISEMENT CONSENT

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.

## 2 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.

FLAG A - ROSE HOMES FOR LIFE - x 5

FLAG B - HBF 5 STAR - x 3

TOTEM SIGN A - x 2

TOTEM SIGN B - x1

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

### Positive and Proactive Statement

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.

1: 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.

2: 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)

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.

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