

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	21.11.2023
Planning Manager / Team Leader authorisation:	JJ	22/11/2023
Planning Technician final checks and despatch:	JJ	22/11/23

**Application:** 23/01354/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Mark Hepburn - 23.5 Degrees Limited

**Address:** Unit 1 Clacton Trade Park Old Road

**Development:** Proposed installation of site signage and Heating, Ventilation, and Air Conditioning (HVAC) condensing units within protective cages.

### 1. Town / Parish Council

Clacton Non-Parished      No Consultation / Comment Required

### 2. Consultation Responses

ECC Highways Dept  
16.10.2023

The information that was submitted in association with the application has been fully considered by the Highway Authority. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and google earth image.

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.

Informative:

i. 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)

ii. 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.

iii. 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**

23/01354/FUL	Proposed installation of site signage and Heating, Ventilation, and Air Conditioning (HVAC) condensing units within protective cages.	Current
23/01355/ADV	Proposed Installation of site signage and Heating, Ventilation, and Air Conditioning (HVAC) condensing units within protective cages.	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 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

CP2 Improving the Transport Network

Supplementary Planning Documents

[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), 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Application Site

The application site is located to the west of Old Road and forms part of the extension to the Waterglade Retail Park. The retail park currently consists of a number of commercial units to the southern end of the site, with large parking area to the northern area. Permission has been granted to extend the retail park further north under planning permission 19/00338/FUL for a mixed-use Trade Counter led development classes A1, A3, A5, D2, B1, B2, B8 and Sui Generis uses. The wider character is heavily urbanised with a mixture of residential and commercial development.

The application site falls within the settlement development boundary of Clacton on Sea, as defined by the Tendring district Local Plan 2013-2033 and beyond. It also falls within the Clacton Town Centre boundary and within an area prioritised for regeneration.

### Proposal

This application seeks planning permission for the installation of site signage and heating, ventilation, and Air Conditioning (HVAC) condensing units within protective cages.

### Assessment

#### Site Signage

This application is seeking permission for the following signage;

1. 9m internally illuminated totem pole sign – displaying Starbucks logo and Drive thru directions.
2. Drive Thru Directional Sign
3. Evo 1 305 mm Wordmark – Raceway Mounted sign reading ‘Starbucks’
4. 750mm External Single Sided Roundel – Displaying Starbucks logo.
5. 2 No Landlord Totem Graphics – Printed Vinyl Graphic onto white digital media with matt overlamine – displaying the Starbucks logo and text reading ‘Starbucks’.
6. Panel menu boards
7. No Entry / Thank you directional sign.
8. 2 off 1500mm External Single Sided Roundel – Displaying the Starbucks logo, situated on the building.

Other works also include;

9. 1 off clearance bar
10. Starbuck EG order canopy

The signage displayed is of a typical design and appearance of a Starbucks Drive Thru. Due to the site's location within a well-defined retail park, the proposed signage is of an in keeping nature to its surroundings and has no significant harmful effects on visual amenities.

There are residential properties located to the north and east of the site, however given they are in close proximity to the well-established retail park the additional signage is not considered to have any more of a significant impact on residential amenities than that which already exists. The signage will not have any impacts on the loss of daylight / sunlight on the residential properties and has no impacts on the loss of privacy. The noise levels emitted from the site are considered to be consistent with those emitted from the existing retail park and will have no further harmful impacts than that which already exists.

#### Heating, Ventilation and Air Conditioning (HVAC) condensing units

The Proposed HVAC condensing units will be installed within protective cages. The units are located towards the north of the site and will be visible to the public views of the area. The units are considered to be minor in nature and are in keeping with the application site and its surroundings. The units therefore have no significant harmful impact on visual amenities.

The noise levels emitting from the units are considered to be consistent with that of the existing retail parkin and therefore have no more of a harmful impact on residential amenities than that which already exists. The units are therefore considered acceptable in terms of residential amenities.

### Highway Safety

Essex County Council highways have no comments to make on this proposal, given the luminance levels do not exceed the recommended level of 600 cd/m for a small town centre. The Local Planning Authority therefore deem the application to be acceptable in terms of highway safety.

### Other Considerations

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

No other letters of representation have been received.

### Conclusion

The proposal is consistent with the above-mentioned National and Local planning policies. In the absence of material harm, the proposal is recommended for approval.

## **6. Recommendation**

Approval – Full

## **7. Conditions / Reasons for Refusal**

### 1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

### 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.

Proposed Mechanical Layout Plan - Received 27.09.2023

Drawing No. 23-431 REV: 2 - Sign 1 - 9m Internally Illuminated Totem Pole Sign

Drawing No. 23-431 REV: 2 SIGN 10 - EVO 1 305MM WORDMARK - RACEWAY MOUNTED

Drawing No. 23-431 REV: 2 SIGN 11 - 750MM EXTERNAL SINGLE SIDED ROUNDEL

Drawing No. 23-431 REV: 2 SIGN 14 AND 15 - 2 LANDLORD TOTEM GRAPHICS

Drawing No. 23-431 REV: 2 SIGN 2 - DRIVE THRU DIRECTIONAL SIGN

Drawing No 23-431 REV: 2 SIGN 3 - OFF CLEARANCE BAR

Drawing No 23-431 REV: 2 SIGN 4 - PREVIEW MENU BOARD

Drawing No 23-431 REV: 2 SIGN 5 - STARBUCKS EG ORDER CANOPY

Drawing No 23-431 REV: 2 SIGN 6 - 5 PANEL MENU BOARDS

Drawing No 23-431 REV: 2 SIGN 7 - NO ENTRY/THANK YOU DIRECTIONAL SIGN

Drawing No 23-431 REV: 2 SIGN 8 AND 9 - 2 OFF 1500MM EXTERNAL SINGLE SIDED ROUNDEL

Drawing No 39.145/01.1 SITE AND BLOCK PLAN

Drawing No 39.145/02.1 PROPOSED BLOCK PLAN

Drawing No 39.145/02.2 PROPOSED FRONT AND REAR ELEVATIONS

Drawing No 39.145/02.3 PROPOSED SIDE ELEVATIONS

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.

## Highways Informatives

i. 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)

ii. 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.

iii. 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.

## 9. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

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