

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	CC	18.12.2023
Planning Manager / Team Leader authorisation:	ML	19/12/2023
Planning Technician final checks and despatch:	ER	21/12/2023

Application: 23/01625/ADV **Town / Parish:** Clacton Non Parished

Applicant: Mr Peter Harris - Widd Signs

Address: Units B and C Clacton Trade Park Old Road

Development Proposed four externally illuminated fascia signs.

1. Town / Parish Council

Clacton non-parished No consultation / comments required.

2. Consultation Responses

ECC Highways Dept 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

- 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.

- iv. *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

00/00632/FUL	Installation of 3 No. dual polar antennae, on existing mast, 1 No. equipment cabin and 1 No. meter cabinet for telecommunication purposes	Approved	15.06.2000
95/00346/ADV	(Footpath opposite 36 Old Road, Clacton on Sea) Information sign	Approved	25.04.1995
98/00773/ADV	Four advertisement hoardings	Approved	24.07.1998
98/01504/FUL	Stationing of a hot food stall	Approved	15.12.1998
99/01461/FUL	Stationing of a hot food stall (Renewal of TEN/98/1504)	Approved	16.11.1999
02/01707/FUL	Stationing of a hot food stall (Renewal of planning permission 99/01461/FUL)	Approved	24.10.2002
05/00015/FUL	Erection of 3m high palisade security fence (galvanised finish) to enclose the unloading bay	Approved	22.02.2005
06/00269/FUL	Retrospective application for the siting of a mobile catering unit on Waterglade Retail Park	Approved	04.05.2006
94/00001/TELCO M	Telecoms Installation	Determinati on	04.02.1994
20/00330/FUL	Proposal to retain 2 ANPR cameras for the purposes of managing and enforcing parking at the site	Approved	17.06.2020

20/00331/ADV	Proposed signage for the purposes of information and direction in relation to parking.	Approved	21.05.2020
21/01693/ADV	Proposed two fascia signs.	Approved	07.03.2023
21/01724/FUL	Proposed two air conditioning condenser units in a security cage and two extract vents.	Approved	22.02.2023
23/00674/ADV	Proposed site signage (32 in total) for purposes of information and direction in relation to car parking (part retrospective).	Approved	16.08.2023

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 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.

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>

There is no neighbourhood plan in place for this area.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site is located towards the west of Old Road and forms part of the extension to the existing well-established Waterglade Retail Park. The site is located within the settlement development boundary of Clacton on Sea, as defined by the Tendring District Local Plan 2013-2033 and beyond. The site also falls within a priority area for regeneration.

Proposal

This application seeks advertisement consent for four externally illuminated fascia signs.

Works proposed on the southern elevation of the building comprise of;

- 1 no. fascia sign finished with a yellow background with blue and white text reading 'Trustpilot Rated Excellent'
- 1 no. fascia sign with a blue background and white text reading 'Tapi Carpets and Floors'
- 1 no. fascia sign with a blue background and white text reading 'Carpet, Luxury Vinyl, Laminate, Wood, vinyl'.

Works proposed on the north elevation comprise of;

- 1 no. fascia sign with blue background and white text reading 'Tapi Carpets and Floors'
- 1 no. fascia sign with blue background and white text reading 'Tapi Goods In'

Assessment

Design and Appearance

The site is located in a well-established retail park where development / advertisement of this type is prominent. The proposed development is considered to be of an in keeping scale, design and appearance to the site's locality with no significant harmful impacts on the visual amenities of the area.

Residential Amenities

As the application site is located within a well-established retail park, the proposed development is not considered to have any more of a harmful impact on residential amenities, such as illumination levels, than that which already exists. The proposal is therefore considered to be acceptable.

Highway Safety

Essex County Council Highways have been consulted on this application, their comments have been included in full above and summarised here. Highways have no objection to this application given the luminance levels do not exceed the recommended level of 600 cd/m for a medium district area. The Local Planning Authority therefore deem the application 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.

6. Recommendation

Approval – Advertisement Consent

7. Conditions / Reasons for Refusal

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.

Externally Illuminated Flex Box Details - Received 13.11.2023

Internally Illuminated Flex Box Details - Received 13.11.2023

LED Sign Details - Received 13.11.2023

Site Plan - Received 13.11.2023

Drawing No. 18-1704/503B

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 Informative:

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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

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