

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		ER	07/08/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	09/08/24
Assistant Planner final checks and despatch:		ER	09/08/2024

Application: 24/00995/ADV **Town / Parish:** Weeley Parish Council

Applicant: Wildstone Estates Limited

Address: Colchester Road Weeley Clacton On Sea

Development: Application for Advertisement Consent - erection of a D6 small format Advertising Display.

1. Town / Parish Council

Weeley Parish Council

Weeley Parish Council has no objection to this application as long as the signage is within the sizes quoted.

2. Consultation Responses

ECC Highways Dept
22.07.2024

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.

Having considered the information submitted with the planning application from a highways and transportation perspective the Highway Authority has no comments to make on this proposal.

Note. The Highway Authority advises the applicant to reconsider the sign's placement to enhance pedestrian safety within the site.

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. 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

4. 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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. 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>

Weeley does not benefit from a neighbourhood plan.

6. 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)

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a small parcel of land pertaining to the nearby petrol station. The site is off of a busy roundabout shared with access to the A133 and serves a small amount of other businesses such as an existing drive thru takeaway and restaurant.

Proposal

This application seeks advert consent for the erection of an internally illuminated D6 small format Advertising Display. The proposal will measure 2.4m by 1.23m and be 0.22m in depth and advertise the services available within the petrol station shop.

Assessment

Visual Impact

Paragraph 135 of the NPPF (2023) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Paragraph 141 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.' Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs.

The proposal is for a new digital display unit which will contain advertisements on one side of the unit which faces the roundabout. This unit will be an electronic way display advertisements and will advertise facilities within the petrol station shop.

The proposal will be located in front of the existing petrol station and close to the access of the site. Users of the site achieve their access off of a roundabout which leads to the surrounding establishments with other exits leading to busy A Roads. This section of the site currently has a small number of signs which do not benefit from advert consent and due to their close proximity to the highway and one another make for a cluttered feel when using this access. Whilst the surrounding buildings benefit from illuminated signage these are contained on their buildings/clear of the highway/footpaths and not separate entities.

The introduction of a unit as proposed would be a prominent and noticeable addition when entering the site and would result in a further cluttered appearance on this section of land close to the highway. This impact would be further exacerbated by the use of illumination within the signage which would not be consistent with other surrounding advertisements.

The proposal is therefore considered not to respond accordingly to the character and appearance of the streetscene and locale and would result in a significantly harmful impact in terms of visual amenity.

Highway Safety

Paragraph 114 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 116 states applications for development should c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and the design and layout of the development provides safe and convenient access for people.

The proposal will be sited on an area of land to the front of a site access which serves a number of commercial buildings, immediately off a busy roundabout. This land is mainly a grassed area however a pathway also wraps around it allowing pedestrian access to the site from Weeley village. The proposal will be situated in close proximity to the pathway resulting in significant obstruction to pedestrians accessing and moving around the site.

ECC Highways have been consulted and have raised no objection to the proposal but advise the applicant to reconsider the sign's placement to enhance pedestrian safety within the site.

Other Considerations

Weeley Parish Council has no objection to this application as long as the signage is within the sizes quoted.

There have been no letters of representation received.

Conclusion

The proposal is therefore considered contrary to local and national policy resulting in a significantly harmful impact to the visual amenity of the area and public safety. The application for advertisement consent is therefore recommended for refusal.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative would be imposed on any approval strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Advert Consent this proposal is not therefore applicable for Biodiversity Net Gain.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

8. Recommendation

Refusal

9. Reasons for Refusal

- 1 The proposed signage by virtue of its illuminated design and positioning close to the highway would appear as a prominent and intrusive feature which would result in a cluttered appearance, to the significant detriment of the visual amenity of the site and surrounding locale.

The proposed development therefore fails to accord with paragraphs 116, 131 and 141 of the National Planning Policy Framework (2023), and Policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond.

- 2 The proposal will be situated in close proximity to the footpath preventing pedestrians from safely accessing the site acting as a significant obstruction and resulting in significant harm to highway safety.

The proposed development therefore fails to accord with paragraphs 114, 116 and 141 of the National Planning Policy Framework (2023), and Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond.

10. **Informatives**

Positive and Proactive Statement

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.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

DIGITAL DISPLAY SPECIFICATIONS - REC 02/07/2024
EXISTING AND PROPOSED ELEVATIONS - REC 02/07/2024
EXISTING BLOCK PLAN - REC'D 02.07.24
PROPOSED BLOCK PLAN - REC'D 02.07.24
PROPOSED BLOCK PLAN - REC'D 02.07.24
SITE PLAN - REC'D 02.07.24
EXISTING AND PROPOSED SITE PHOTOS - REC 02/07/2024

11. **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
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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