

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION  | INITIALS | DATE       |
|--|----------|------------|
| Planning Officer recommendation:                             | ER       | 04/09/2024 |
| EIA Development - Notify Planning Casework Unit of Decision: | NO       |            |
| Team Leader authorisation / sign off:                        | ML       | 05/09/2024 |
| Assistant Planner final checks and despatch:                 | ER       | 05/09/2024 |

**Application:** 24/01076/ADV                      **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr Ben Train - Tesco

**Address:** Triangle Shopping Centre Frinton On Sea Essex

**Development:** Application for Advertisement Consent - install one Gantry, one Dibond with metal frame mounted on pole, three Dibond mounted on pole.

**1. Town / Parish Council**

Frinton and Walton Town Council    No objections

**2. Consultation Responses**

ECC Highways Dept  
26.07.2024

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. No site visit was undertaken in conjunction with this planning application. It is noted that some of the proposed signs are replacements signs that will be located on private land, with the majority set back from the public highway, considering these factors:

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

1. Should the proposed works particularly to the external surface area directly abut the back of the Highway. This is public highway, and the construction work must be carried out subject to arrangements made with the Development Management team, contact details in the informative at the foot of the page.

Reason: In the interests of highway safety in accordance with policy DM1.

2. For the internally illuminated sign, (Sign Ref. 1), the maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals, PLG05/23, which in this case is in this case is 350 Candelas per square metre (350cd/m2).

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.

3. Sign ref. 5 should not impede the inter-visibility between vehicles using the existing road junction and those in the existing public highway.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

The above conditions are 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 and National Planning Policy Framework 2023.

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) It is noted that sign ref. 2 is highlighted as a new promotional banner, if consent is granted, it is recommended that a maximum time limit of between 4 to 6 months should be permitted and after that period the sign should be removed, to minimise the number of additional signs being proposed for the site.

iii) 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.

iv) 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.

v) 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**

|              |   |          |            |
|--------------|---|----------|------------|
| 00/01216/FUL | Installation of 1.0 m diameter satellite antenna wall mounted on side elevation | Approved | 15.08.2000 |
| 98/01542/ADV | 2 illuminated signs   | Approved | 22.12.1998 |
| 99/00934/ADV | ATM surround sign and ATM projecting sign                                       | Approved | 11.08.1999 |
| 99/00935/FUL | Installation of automated teller machine (ATM)                                  | Approved | 11.08.1999 |

|              |  |          |            |
|--------------|--|----------|------------|
| 04/00942/FUL | Erection of perimeter fence  | Approved | 30.06.2004 |
| 08/00852/FUL | Provision of new access to an existing Co-Op store for deliveries from Elm Tree Avenue to provide a one way system for deliveries.   | Approved | 14.08.2008 |
| 14/00042/ADV | Installation of new illuminated signage.   | Approved | 19.03.2014 |
| 17/00732/ADV | Proposed 3 no. fascia signs - high level, non-illuminated secondary brand wall signs.  | Approved | 23.06.2017 |
| 21/00374/ADV | Installation of aluminium fascia sign to high level, dibond flat panel at low level, aluminium fascia sign to corner, vinyl print to window, fabric banner sign to fencing x 2, vinyl prints to trolley park shelters x 3 and aluminium fascia sign above sloping roof | Approved | 11.05.2021 |
| 24/00228/ADV | Application for Advertisement Consent - Proposal to install 7no. fascia signs, 2no. dibond signs and 2no. vinyl signs.   | Approved | 26.03.2024 |
| 24/00554/FUL | Planning Application - Proposal to install new floor mounted 3x condensing units, DT01 Refrigeration pack, 1.1m high Armco barrier for protection, and DT01 Gas Cooler.  | Approved | 21.06.2024 |
| 24/01076/ADV | Application for Advertisement Consent - install one Gantry, one Dibond with metal frame mounted on pole, three Dibond mounted on pole.   | Current  |            |

#### 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>

Frinton does not benefit from an emerging or adopted 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)

SP7 Place Shaping Principles

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

SPL3 Sustainable Design

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

### Application Site

The application site comprises of a commercial unit sited within the Triangle Shopping Centre in Frinton on Sea. The primary access is located within the shopping centre with various commercial units surrounding it. The application building has prominent elevations which face onto Elm Tree Avenue.

### Proposal

This application seeks advertisement consent to install one Gantry sign, one Dibond with metal frame mounted on pole sign and three Dibond signs mounted on poles.

The signage will be distributed around the site as follows;

Facing Elm Tree Avenue - One Double sided non illuminated Gantry, One pole mounted Hello/goodbye non illuminated sign and one non illuminated promotional banner and frame.

Garden Road (shopping centre car park) - Two new non illuminated pole mounted signs.

The application form states that the new one double sided gantry will be illuminated; however, the plan states it will be non illuminated. The agent has confirmed this will be non illuminated.

### Assessment

#### Public Amenity

The proposed signage will advertise the existing commercial unit within the shopping centre with the new branding and information relative to the new company.

The signage will be publicly visible from Elm Tree Avenue and Garden Road with them being sited within site's boundaries.

The existing building is a prominent feature within Elm Tree Avenue meaning the new signage will be publicly visible within Elm Tree Avenue. Due to the set back of the building from the highway and the size of the proposed signs it is considered that the signage would not appear visually intrusive to the character of the area.

The proposal also includes two new signs located within the car park to the shopping centre which is accessed via Garden Road. These will be positioned well within the site and away from the site's boundary and highway thereby preventing them from appearing as prominent or incongruous features within the area.

### Highway Safety

Essex County Council Highways have been consulted on this application and have raised no objections to the proposal provided the illuminance levels to sign ref 1 does not exceed 600 cd/m. The plans confirm that the Sign ref 1 will be non illuminated and therefore this condition is not relevant.

They have also requested that sign ref. 5 should not impede the inter-visibility between vehicles using the existing road junction and those in the existing public highway. From the officer's site visit the proposed sign ref 5 will be installed on a grass verge between the car park and Garden Road. The proposed signage will be located within the boundary of the car park and away from any spaces/ access. It is therefore considered that this condition is not required.

The proposed signs will be sited amply back from the main highway and are therefore considered not to pose a risk to highway safety by impeding visibility.

### Impact on Residential Amenities

The building is positioned on its plot with elevations facing onto the residential area of Elm Tree Avenue. The signage will be clearly visible to surrounding residential properties within this area however they will be non illuminated and set back from the highway to reduce their prominence. The signage is also proportionate to the site and surrounding shopping area. It will be consistent with others within and around the shopping area and is considered not to result in an adverse impact in terms of residential amenities or nearby occupants.

The signage within the car park to the rear will be visible to the residents of Garden Road; however, these will be sited well within the site's boundaries and sufficiently away from these neighbouring properties preventing them from resulting in a harmful impact to nearby residents.

### Other Considerations

Frinton and Walton Town Council have recommended approval for this application.

No further letters of representation have been received.

### Conclusion

In the absence of any material harm resulting from the proposed development the application is recommended for approval.

### 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 has been imposed 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**

Approval - Advertisement Consent

## **9. 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 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.

SITE PLAN - REC'D 17.07.24

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Email from agent confirming signage is non illuminated - REC 30/08/2024

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.

## **10. Informatives**

### Ecology Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include: <https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

### Highways Informative

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## 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  |
|-----------------------------|---|---------|
| 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 |