

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	26/09/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	27/09/2024
Assistant Planner final checks and despatch:		ER	27/09/2024

**Application:** 24/01135/ADV **Town / Parish:** Harwich Town Council

**Applicant:** Mr Darren Burney - Burney Estates Ltd

**Address:** Stanton Europark Freshfields Road Harwich

**Development:** Application for Advertisement Consent - 9no. freestanding signage and 7no. fascia signage for Starbucks and 7no. freestanding signage and 7no. fascia signage for Burger King.

### 1. Town / Parish Council

Harwich Town Council Harwich Town Council makes no objections to this application.

### 2. Consultation Responses

ECC Highways Dept  
22.08.2024

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. A previous site visit was undertaken in conjunction with an earlier planning application. It is noted that the proposed signs will be located on private land and 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. The internally illuminated signs, (Sign Ref. nos. 1 to 16), 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 300 Candelas per square metre (300cd/m<sup>2</sup>).

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.

2. The internally illuminated signs, (Sign Ref. nos. 17 to 30), 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/m<sup>2</sup>).

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. The proposed light source for any externally illuminated signs shall be so positioned and shielded, in perpetuity, to direct light towards the proposed advertisement sign and away from the Highway.

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.

4. Any proposed works particularly the totem signs close to and/or directly abuts to the back of the footway. 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.

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 must 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) For the proposed totem signs, the drawings do not show its construction however, it will need to be sufficiently strong to support the number/height of the signs and resist the wind loading (which being coastal) will be significant.

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) 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**

21/01240/FUL	Proposed 68-bed hotel, two drive through restaurants, 10 business units (Use Classes B2/B8) with associated car parking and landscaping.	Approved	16.02.2023
--------------	--	----------	------------

23/00223/ADV	Installation of an internally illuminated 48-sheet D-Poster (digital) display and vertical meadow green wall.	Refused	25.01.2024
23/00877/NMA	Non Material Amendment to application reference 21/01240/FUL for change to description of development from 'proposed 68-bed hotel, two drive through restaurants, 10 business units (Use Classes B2/B8) with associated car parking and landscaping' to 'proposed 68-bed hotel, drive through restaurants, business units (Use Class B2/B8) with associated car parking and landscaping'.	Approved	05.07.2023
23/00881/VOC	Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 2 (approved drawings) and proposed new condition of 21/01240/FUL relating to number of drive-thru and business units.	Approved	10.11.2023
23/01772/DISCON	Discharge of condition 11 (Programme of archaeological investigation) of application 23/00881/VOC.	Approved	18.01.2024
24/00176/DISCON	Discharge of condition 14 (Phase 1 - CTMP) of application 23/00881/VOC.	Approved	04.03.2024
24/00178/DISCON	Discharge of condition 3 (Phase 1 - Landscaping) of application 23/00881/VOC.	Approved	14.03.2024
24/00278/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 11 (Archaeology).	Approved	12.03.2024
24/00404/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 23 (Construction Environmental Management Plan) and Condition 24 (Biodiversity Enhancement Strategy).	Approved	21.05.2024
24/00444/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 8 (Surface Water Drainage); Condition 9 (Surface Water Management Plan); Condition 10 (Maintenance Plan).	Approved	18.06.2024
24/00559/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 12 (Scheme for the installation of solar photovoltaic panels and electric vehicle charging points).	Approved	20.05.2024
24/00583/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 18 (Flood Warning Evacuation Plan).	Approved	03.06.2024

24/00660/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 16 (external facing and roofing materials); Condition 19 (illumination scheme).	Approved	11.06.2024
24/00924/DISCON	Partial discharge of condition application for 23/00881/VOC Condition 20 (full details including location, acoustic specifications, and specific measures to control noise/dust/odour from the equipment) in relation to Burger King and Starbucks units only.	Approved	31.07.2024
24/01037/DISCON	Discharge of condition application for 23/00881/VOC Condition 21 (Hotel Sound Insulation).	Approved	31.07.2024
24/01129/ADV	Application for Advertisement Consent - Freestanding internally illuminated totem sign	Approved	25.09.2024
24/01146/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 15 (Construction Traffic Management Plan).	Approved	16.08.2024
24/01361/DISCON	Discharge of conditions application for 23/00881/VOC - Condition 16 (External facing and Roofing Materials).	Approved	16.09.2024

#### 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.

The adopted Local Plan meets these criteria.

#### 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>

There are no neighbourhood plans relevant to this location.

#### 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 Plan (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

SPL3 Sustainable Design

## **7. Officer Appraisal**

### Site Description

The application site is approximately 2.6 hectares in size and was formerly open grassland that is currently under construction following the granting of 21/01240/FUL that allowed a 68 bedroom hotel, three drive through restaurants and ten business units in either Class B2 or B8 use. It is located to the north of Harwich, directly adjacent to the A136 Parkeston Bypass. Harwich International Port and Train Station is immediately to the north and The Harwich Gateway Retail Park is to the south of the site.

The access to the site is from the roundabout on the Parkeston Bypass leading to an existing estate road known as Freshfields Road, which gives the site shared access with Morrisons superstore and ancillary petrol station and employment areas immediately to the east.

The application site is designated as an 'Employment Allocation' under Policy PP7 of the Tendring District Local Plan 2013-2033 and Beyond (Section 2) and is located within the Settlement Development Boundary for Parkeston/Harwich.

The application site is located wholly within a Flood Risk Zone 3 albeit within an area benefitting from flood defences.

### Description of Proposal

This application seeks advertisement consent for various adverts, as detailed below:

9 x freestanding signs for the proposed Starbucks as follows:

- 1 x 9 metre high internally illuminated totem sign;
- 1 x internally illuminated Drive Thru Directional Sign measuring 1.5 metres height;
- 1 x off-clearance bar which is sited 3 metres above ground level;
- 1 x Pre-View menu board, which is 1.5 metres height and internally illuminated;
- 1 x Speaker post with canopy over, which is 3.2 metres height;
- 1 x Five panel menu board, which is internally illuminated and 1.62 metres above ground level;
- 1 x Thank You sign, which is internally illuminated and 1.5 metres above ground level;
- 1 x Exit Only sign, which is internally illuminated and 1.5 metres above ground level; and
- 1 x Monument sign, which is internally illuminated and 2 metres above ground level.

7 x Fascia signs for the proposed Starbucks as follows:

- 1 x Logo Disk sign, which is internally illuminated and sited 1.5 metres above ground level;
- 2 x Custom stacked woodmark sign, internally illuminated and 1.4 metres above ground level;
- 2 x Logo disk surface mounted sign that are internally illuminated; and
- 2 x Woodmark surface mounted internally illuminated sign, measuring 0.25 metres height.

7 x freestanding signs for the proposed Burger King as follows:

- 1 x 3.3 metre high Drive Thru Height Restriction sign, which is internally illuminated;

- 1 x Drive Thru Directional Sign, that is internally illuminated and measures 2.38 metres in height;
- 1 x Pre-Menu Board measuring 1.99 metres in height and internally illuminated;
- 1 x Menu order point sign measuring 3.1 metres in height and internally illuminated;
- 1 x 8 metre high totem sign that is internally illuminated;
- 1 x Burger King menu board sign measuring 1.8 metres height and internally illuminated; and
- 1 x Thank You / No Entry sign, measuring 1 metre height and internally illuminated.

7 x Fascia signs for the proposed Burger King as follows:

- 2 x fully moulded acrylic logo sign measuring 1.8 metres height and internally illuminated;
- 1 x fully moulded acrylic logo sign measuring 1.5 metres height and internally illuminated;
- 3 x Drive Thru Directional Sign measuring 0.95 metres and internally illuminated; and
- 1 x Letter set sign measuring 0.3 metres and internally illuminated.

## Assessment

### 1. Visual Amenity

Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Paragraph 141 of the NPPF (2023) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy SP7 seeks high standards of design that responds positively to local character and context. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state all new development must make a positive contribution to the quality of the local environment and must relate well to its site and surroundings particularly in relation to its siting, scale and form.

The proposed signage is located across all sections of the proposed Starbucks and Burger King units, which themselves are both sited to the front (southern) section of the site. Whilst a significant number of signs are proposed, the majority are of a relatively small scale and are what would be expected from such a proposal. The largest elements are two totem signs measuring 8 metres and 9 metres height respectively, however there are other similar examples in the wider surrounding area, including that already approved on this site under planning permission 24/01129/ADV. Therefore, Officers overall consider the proposal is in-keeping with the character of the area and will not result in significant visual harm.

### 2. Highway and Public Safety

Paragraph 141 of the NPPF (2023) states that 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 CP2 of Part 2 of the Adopted Local Plan 2013-2033 and Beyond, also states that planning permission will not be granted if there would be an unacceptable impact on highway safety.

Essex Highway Authority have been consulted and have confirmed that from a highway and transportation perspective the proposal is acceptable subject to conditions ensuring the luminance levels do not exceed either 300 cd/m or 350cd/m.

In addition, Officers note that there are significant separation distances to the nearest residential properties. Given this, and that there are other similar examples of signage in the immediate surrounding area, there will be a neutral impact to existing neighbouring amenities.

### Other Considerations

Harwich Town Council makes no objections to the application.

There have been no other letters of representation received.

### Conclusion

The proposal will result in a number of signs across the Starbucks and Burger King sites, which are located along the southern section of the wider site previously granted consent for a range of works including a hotel and business units under reference 21/01240/FUL. The works are not considered to result in significant visual harm, nor harm to neighbouring amenities, whilst ECC Highways have raised no concerns. Accordingly, the application is compliant with local and national planning policies and is therefore recommended for approval.

## **8. Recommendation**

Approval - Advertisement Consent

## **9. Conditions**

### 1      **CONDITION – STANDARD ADVERTISEMENT 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.

Drawing Numbers 3835\_PL102, 3835\_PL201, 3835\_PL203, 3835\_PL204, 3835\_PL205 Rev A, 3835\_PL206, 13296 A1, 13296 B0, 13296 F1, 13296 G0, 13296 i0, 13296 K1, 13296 L1, 13296 Q1, 13296 R1, 13296 T0, 13296 X0, 20-000-Stbx-EMEA Cafe Shell, and the drawings titled '5 Panel Menu Boards', 'Built up Acrylic Drive Thru Text', '1 Off Clearance Bar', 'Clearance Bar Base/Cage Details', 'No Entry/Thank You Directional Sign', 'Drive Thru Directional Sign', 'Starbucks Order Canopy', 'Order Canopy Base/Cage Details', 'Preview Menu Board', '2 Off 1500mm External Single Sided Roundel', '2 Off 750mm External Single Sided Roundel - 1:5', '9M Internally Illuminated Totel Pole Sign', '250mm Wordmark - Wall Mounted', and the untitled drawings showing the Starbucks Clearance Bar received dated 30th July 2024, the order canopy elevations for Starbucks received dated 30th July 2024 and the order canopy rear elevation for Starbucks received dated 30th July 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.

- 3      **CONDITION:** The maximum luminance of signs 1 to 16 shall not exceed 350 candelas/m<sup>2</sup> at any time.

REASON: Any luminance in excess of this level would cause harm by reason of being detrimental to the prevailing character of the area, residential amenity, biodiversity and possible distraction to highway users.

- 4      **CONDITION:** The maximum luminance of signs 17 to 30 shall not exceed 350 candelas/m<sup>2</sup> at any time.

REASON: Any luminance in excess of this level would cause harm by reason of being detrimental to the prevailing character of the area, residential amenity, biodiversity and possible distraction to highway users.



## 10. 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 must 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) For the proposed totem signs, the drawings do not show its construction however, it will need to be sufficiently strong to support the number/height of the signs and resist the wind loading (which being coastal) will be significant.

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) 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.

## 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