

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	BB	17/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO	
Team Leader authorisation / sign off:	AN	17/10/24
Assistant Planner final checks and despatch:	ER	17/10/2024

Application: 24/01038/ADV **Town / Parish:** Clacton Non Parished

Applicant: Mrs Barbara Pole - Tendring District Council

Address: Sunspot Brooklands Jaywick Sands

Development: Application for Advertisement Consent - freestanding boards naming businesses in the building and direction to where they are.

1. Town / Parish Council

Clacton-on-Sea Non-parished

2. Consultation Responses

ECC Highways Dept
07.10.2024

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 impact of the proposal is acceptable to Highway Authority.

Informative:

- i. All signage must be placed clear of the highway.
- ii. 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

3. Planning History

94/01528/FUL	(The Sun Spot, Brooklands Front, Jaywick) Change of use of part of building to indoor market and table top sales.	Approved	14.03.1995
95/01334/FUL	(The Sun Spot, Brooklands, Jaywick) Change of use of part of building to indoor market and table top sales. Revised parking to scheme approved	Approved	19.12.1995

under planning permission TEN/94/1528

98/00177/FUL	(The Sun Spot, Brooklands, Jaywick) Renewal of planning permission TEN/95/1334 (Change of use of part of building to indoor market and table top sales, including car parking)	Approved	12.03.1998
03/00353/FUL	Change of use to gaming casino	Refused	11.06.2003
04/00681/FUL	Redevelopment of site - demolish existing building and construction of 12 two bedroom flats.	Withdrawn	02.06.2004
04/02384/FUL	Redevelopment of site - demolition of existing building and construction of 12 two bedroom flats and one unit - B1 & A1 use.	Refused	18.03.2005
11/00226/FUL	Change of use to Showmen's depot /yard.	Withdrawn	20.04.2011
12/00072/FUL	Change of use to Showmen's depot /yard.	Withdrawn	23.04.2013
15/00248/DEMCON	Demolish single storey brick and reinforced concrete structure with pitched tiled roof and turret structure.	Determination	08.04.2015
24/01038/ADV	Application for Advertisement Consent - freestanding boards naming businesses in the building and direction to where they are.	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>.

There are currently no neighbourhood plans for this area.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 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

CP2 Improving the Transport Network

Supplementary Planning Documents

Essex Design Guide

7. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site serves a large commercial building located on the corner of Brooklands and Lotus Way. The building consists of smaller retail units. The site is within Flood Zone 2 & 3, Priority Areas for Regeneration and within the Settlement Development Boundary.

Proposal

This application seeks advertisement consent for the following works:

- Install 1no. freestanding sign.
- Install 1no. fascia sign.
- Install 2no. vinyl signs.

Design and Appearance

The freestanding sign will be located close to the site's eastern boundary whilst the fascia sign will be affixed to the western facing side elevation. Both signs will display details of the commercial units and facilities available at the site, with a red box detailing the ground floor units whilst a blue box displays the first floor units. The name "Sunspot" and contact details for the site will be displayed at the top along with the logo for Tendring District Council. Both signs will be constructed from aluminium with a printed vinyl face overlaid.

2no. vinyl signs will be also be installed on the western facing side elevation. The name "Sunspot" will be prominent in the top right hand corner whilst the words "Market & Event Space" will be visible in the middle of the left hand side. Both signs will be displayed in red.

Due to their siting and bold colouring, the proposed freestanding, fascia and vinyl signs will be highly visible from the highway; however, the signs are considered to be of a modest size which do not appear as incongruous features within the locale or the site. Additionally, the use of red and blue colouring, matches with the existing signs and the appearance of the host building helping tie the proposal in. Further, none of the signage will be illuminated and will therefore pose no additional harm to visual amenities. The proposal is therefore deemed to be acceptable in design and appearance.

Residential Amenities

The proposed signage will be visible to the residents of several properties within the immediate vicinity; however, as the signage is modest in stature, is non-illuminated and is sited an acceptable

distance away from the shared boundaries, the proposal is not considered to have any significant harmful impacts on residential amenities.

Highway Safety

Essex County Council Highways have been consulted on this application. Their comments have been provided in full above. Essex County Council Highways have confirmed they have no objection to the application. The proposal is therefore acceptable in terms of highway safety.

Other Considerations

Clacton-on-Sea is non-parished.

No letters of representation have been received.

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. Further, the proposed development is consistent with the above mentioned national and local planning policies and, in the absence of material harm the proposal is recommended for approval.

8. Recommendation

Approval - Advertisement Consent

9. Conditions / Reasons for Refusal

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.

Drawing No. 182_HAT_PL_001

Drawing No. 182_HAT_GA_101

Document showing the fascia sign with a size of 1760mm x 1500mm – Rec'd 25/07/2024

Document showing the freestanding sign with a size of 2200mm x 1000mm – Rec'd 25/07/2024

Document titled; West Elevation - After – Rec'd 07/08/2024

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

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.

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>

Highway 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

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<u>NO</u>
Are there any third parties to be informed of the decision? If so, please specify:	YES	<u>NO</u>
Has there been a declaration of interest made on this application?	YES	<u>NO</u>