

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	17/01/25
EIA Development - Notify Planning Casework Unit of Decision	N/A	
Team Leader authorisation / sign off:	ML	22/01/2025
Assistant Planner final checks and despatch:	ER	23/01/2025

Application: 24/01746/ADV **Town / Parish:** Frinton & Walton Town Council

Applicant: Carly Soffe - Cook Trading Ltd

Address: 139 - 141 Connaught Avenue Frinton On Sea Essex

Development: Application for Advertisement Consent - installation of two new signs.

1. **Town / Parish Council**

2. Frinton and Walton Town Council Recommend approval - subject to clear glass being utilised. The Town Council are concerned that this is a retrospective application.

3. **Consultation Responses**

Essex County Council Built Heritage Advice pertaining to an Advertisement Consent Application for the installation of one new fascia and two new signs.
Heritage
21.12.2024

The Site is located within Frinton Character Area Two - Commercial Centre of the Frinton and Walton Conservation Area. This proposal relates to the commercial premises located within the ground floor of Nos. 139 - 141 Connaught Avenue, an unlisted late-twentieth century building. The property occupies a prominent position situated adjacent to a small parcel of public amenity space at the junction with Old Road. The premise has two plain glazed shopfronts that front onto Connaught Avenue, and a third plain glazed shopfront at the side facing onto public amenity space to the north.

The public amenity space is landscaped with raised flowerbeds and bench seating as per the design of application 95/00296/FUL. It contributes positively to the character and appearance of this part of the Conservation Area, together with the tree planting and traditional styled lampposts along Connaught Avenue. These features make for an attractive and pleasant streetscape that marks the start of the commercial centre to the site's south.

Further north from the Site at the junction of Connaught Avenue and Fourth Avenue are a group of notable buildings, including the former Cooper Estate Office on the corner designed in the Arts and Crafts style, and the Church of the Sacred Heart and St Francis opposite. Due to the generous width of the street and straight trajectory of Connaught Avenue, the Site appears in the views of these notable buildings, albeit in the distance. Therefore, the display of advertisements upon the premises at Nos. 139 - 141 has the potential to impact the character and appearance of the Conservation Area.

As the proposed signage is already in situ and the 3D lettering above the shopfront to the side is internally illuminated, daytime and nighttime photographs have been submitted to show how the existing

signage that this application seeks retention of appears in the context of the street scene.

In principle there is no objection to the installation of signage upon the commercial premises at Nos. 139 - 141 Connaught Avenue's front and side elevations, on the basis that it is of a suitable scale that would ensure the character and appearance of the Conservation Area is preserved.

Retention of the existing signage installed upon the front elevation of the premisses is supported, owing to the simplicity of its design consisting of 3D lettering in a traditional serif typeface with a plainly detailed graphic. Coloured white to appropriately contrast with the dark green tiled background, and in terms of scale the signage appears well proportioned relative to the fascia's width and depth.

However, retention of the signage installed upon the side elevation of the premisses is not supported because in the day the 3D lettering appears to be overly prominent within the street scene due to its large scale, and at night the lettering detracts from the character and appearance of the area due to its internal illumination. The harm that the inappropriate signage causes to the significance of the Conservation Area is considered to be 'less than substantial'.

To overcome these issues, it is suggested that the proposal be amended to replace the signage upon the side elevation with signage that matches the scale and design of that used upon the front. If illumination is required, the light sources should be as unobtrusive as possible to meet the expectation of the Frinton Shopfront Design Guide. This could be achieved by tube or spotlighting concealed within the fascia, or alternatively halo lighting behind individual letters.

Overall, the proposal fails to preserve the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the National Planning Policy Framework (NPPF) Paragraph 215 is relevant, and the Local Planning Authority should weigh this harm against any public benefits that flow from the proposal. Whilst the scale of harm may be 'less than substantial' great weight should be given to the heritage asset's conservation as per Paragraph 212 and, Paragraph 213 requires clear and convincing justification to be provided for any level of harm to the heritage asset.

Should consent be granted for illuminated signage it is recommended to attach a condition that restricts the timeframes for which the signage can be illuminated to the standard opening hours of the premise, or any other such arrangement for timeframes outside of the premises standard opening hours that is agreed in writing with the Local Planning Authority.

ECC Highways Dept
11.12.2024

The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on submitted material.

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

1. For the internally illuminated sign, 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 600 Candelas per square metre (600cd/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.

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.

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

Environmental Protection
18.12.2024

With reference to the above advertisement application; I can advise the EP Team have no comments to make in relation to this proposal.

*it was noted a Noise Impact Assessment was included within the submitted documentation, however this is not relevant in regard to the erection of advertisement, I assume it relates to the proposal for the installation of plant machinery (24/01748/FUL)

4. **Planning History**

93/00423/ADV	(139-141 Connaught Avenue, Frinton on Sea) Internally illuminated projecting sign	Approved	18.05.1993
95/00296/FUL	(Land adjacent to 139 Connaught Avenue, Frinton on Sea) New landscaping and paving works	Approved	09.06.1995
98/01526/FUL	Change of use from dental surgery to offices	Approved	05.01.1999
24/01748/FUL	Planning Application - Installation of two air conditioning condensers with timber enclosures.	Current	

5. **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.

6. 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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

7. Relevant Policies / Government Guidance

NATIONAL:

National Planning Policy Framework 2024 (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):

SPL3 Sustainable Design

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Frinton Shopfront Design Guide

8. Officer Appraisal (including Site Description and Proposal)

Application Site

The application site comprises of a commercial premises located within the ground floor of Nos. 139 - 141 Connaught Avenue, an unlisted late-twentieth century building. The property occupies a prominent position situated adjacent to a small parcel of public amenity space at the junction with Old Road. The premise has two plain glazed shopfronts that front onto Connaught Avenue, and a third plain glazed shopfront at the side facing onto public amenity space to the north.

The public amenity space is landscaped with raised flowerbeds and bench seating as per the design of application 95/00296/FUL. It contributes positively to the character and appearance of this part of the Conservation Area, together with the tree planting and traditional styled lampposts along Connaught Avenue. These features make for an attractive and pleasant streetscape that marks the start of the commercial centre to the site's south.

The site is located within the Frinton and Walton Conservation Area.

Proposal

This application seeks advertisement consent for the installation of:

- One fascia sign which will consist of a painted timber logo mounted on a tiled fascia board. This sign will be non illuminated and will face onto Connaught Avenue.

- One illuminated logo sign mounted on the brick work which will be sited on the side wall facing the area of public amenity. This sign will be illuminated via 'cool white' LEDs installed to the back trays.

Upon the officer's site visit the signage was already in situ at the site and upon request the applicant has provided daytime and nighttime photographs to understand the full extent of the proposal and impact resulting from the illumination.

Assesment

Visual and Heritage Impact

Paragraph 135 of the NPPF (2024) 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 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.

Paragraph 210 requests that when determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

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.

Policy PPL8 of the Tendring District Local Plan 2013-2033 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The Frinton Shopfront Guide confirms that in many cases, sufficient illumination is provided by ambient street lighting and the internal lighting of the shop. Where further lighting is desired, the source must be as unobtrusive as possible. Internally illuminated box signs are not acceptable. Concealed illumination of fascias can be achieved through spotlights built into soffits or tubes hidden in troughs. Alternatively, halo lighting provides light from behind individual letters. Back-lit fascias and large spotlights will not be allowed.

The site is located at the end of Connaught Road which is the town centre of Frinton-on-Sea comprising of a vast array of commercial outlets. The surrounding premises vary in terms of service including retail, cafes/ restaurants and hairdressers etc. Given the location of the site within this setting there is no objection to the installation of signage upon the commercial premises at Nos. 139 – 141 Connaught Avenue's front and side elevations, on the basis that it is of a suitable scale that would ensure the character and appearance of the Conservation Area is preserved

The proposed front sign has been positioned on the front elevation facing Connaught Avenue and is therefore seen in context with other surrounding commercial outlets. Owing to the simplicity of its design, consisting of 3D lettering in a traditional serif typeface with a plainly detailed graphic, along with the use of suitable and contrasting colours to the existing shopfront the signage appears well proportioned relative to the fascia's width and depth. This element of the proposal therefore does not result in a significant impact to the appearance/ character of the locale and conservation area.

The signage installed upon the side elevation would make use of 3D lettering attached to the existing side wall and would be illuminated. This sign will be large and illuminated allowing it to appear overly

prominent within the streetscene detracting from the character and appearance of the area. The harm that the inappropriate signage causes to the significance of the Conservation Area is considered to be 'less than substantial'.

ECC Heritage (Place Services) have been consulted as part of the application and have raised significant concerns confirming that the proposal fails to preserve the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The sign itself is to advertise the company within the unit and therefore will not provide sufficient public benefits to overcome the level of harm identified to the character and appearance of the Frinton-on-Sea Conservation Area.

Highway Safety

Paragraph 115 of the National Planning Policy Framework 2024 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 109 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

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 signage to the front elevation will not be illuminated.

The new sign to the side wall will be publicly visible and will be illuminated; however, as it will be set back from the highway behind the existing small area of public amenity space would not result in a detrimental impact to the users of the highway.

ECC Highways have not objected to the proposal; however, have recommended a condition over the maximum luminance of the light should the application be approved.

Impact to Neighbours

Paragraph 135 of the National Planning Policy Framework (2024) confirms planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well being, with a high standard of amenity for existing and future users.

Policy SP7 of Section 1 of the 2013-33 Local Plan requires that the amenity of existing residents is protected. Section 2 Policy SPL 3 (Part C) seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The proposed signage will look out onto the main highway and nearby area of public amenity space which will be away from residential dwellings, thereby preventing it from resulting in a loss of amenities to surrounding properties.

Ecology and Biodiversity

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

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.

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.

Other Considerations

Frinton and Walton Town Council have no objections to the proposal.

There have been no letters of representation received.

Conclusion

The proposed signage to the front of the existing building is considered is of a suitable size and design compared to the existing unit and locale thereby preventing a significant impact to the appearance/ character of the streetscene and surrounding conservation area.

The new signage to the side wall of the existing building will be large and face outwards onto an area of public amenity and highway there by exacerbating its prominence within the public realm. The use of illumination within the signage will exude its impact further preventing it from appearing suitably with others within the locale resulting in a detrimental impact to the overall appearance of the streetscene and the conservation area. The impact to the conservation area is considered less than substantial; however, there are no public benefits to outweigh this harm in this instance. The proposal therefore conflicts with the above national and local policies and guidance and is recommended for refusal.

9. Recommendation

Refuse

10. Reasons for Refusal

The new signage to the side wall of the existing building will make use of 3D lettering attached to the existing side wall and would be illuminated. This sign is large and faces outwards onto an area of public amenity and highway there by exacerbating its prominence within the public realm. The use of illumination within the signage will exude its impact further resulting in a detrimental impact to the overall appearance of the streetscene and the conservation area. The impact to the conservation area is considered less than substantial; however, there are no public benefits to outweigh this harm in this instance.

The proposal is therefore contrary to paragraphs 135, 141, 210, 212 and 215 of the National Planning Policy Framework and policies SP7, SPL3 and PPL8 of the Adopted Local Plan 2013-2033 and Beyond.

11. 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 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):

SITE PLAN - REC'D 26.11.24
BLOCK PLAN - REC'D 02.12.24
EXISTING FRONT ELEVATION - REC'D 02.12.24
EXISTING SIDE ELEVATION - REC'D 02.12.24
PROPOSED SIGNAGE - FRONT ELEVATION - REC'D 02.12.24
PROPOSED SIGNAGE - SIDE ELEVATION - REC'D 02.12.24
SIGNAGE AND ADVERTISEMENT BRIEF - REC'D 26.11.24
SITE PHOTO - CLAD - REC'D 26.11.24
SITE PHOTO - CLAD - REC'D 26.11.24
SITE PHOTO - NO CLAD - REC'D 26.11.24
SITE PHOTO - REC'D 26.11.24
ILLUMINATED SIGN PHOTO TAKEN IN THE EVENING REC'D 09.12.24

12. **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

13. Notification of Decision

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
Has there been a declaration of interest made on this application?		NO