

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		CC	22.01.2025
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		AN	23/01/25
Assistant Planner final checks and despatch:		ER	23/01/25

Application: 24/01885/ADV

Town / Parish: Clacton Non Parished

Applicant: Wildstone Estates Limited

Address: 181 Old Road Clacton On Sea Essex

Development: Application for Advertisement Consent - upgrade of 1no. existing paper and paste display with 1no. digital advertising display (D-Poster).

1. Town / Parish Council

Clacton Non-Parished No consultation necessary

2. Consultation Responses

ECC Highways

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. No site visit was undertaken in conjunction with this planning application. It is noted that the display will be located on private land. The proposed advertisement adjusts its output according to the prevailing levels of ambient light, up to a maximum threshold of 5000 cd/sqm luminance on the brightest of days. 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. 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 300 Candelas per square metre (300cd/m2) at night and 3500 Candelas per square metre (3500cd/m2) during the day.

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 proposed signs shall not overhang any part of the publicly maintainable highway.

Reason: To ensure the unimpeded passage of pedestrians and cyclists, in the interests 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:

- 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

01/00073/FUL	Change of use to motorcycle shop with workshop at rear	Approved	08.03.2001
01/00991/FUL	Retention of Motorcycle workshop and MOT Station.	Approved	07.01.2002
93/01210/FUL	Bakers shop to become an integral part of the dwelling and the bakery to be used as a domestic outbuilding	Approved	14.12.1993
04/00274/FUL	Removal of hours condition 2 (01/00073/FUL) and variation of condition 7 and use as Antique shop and workshop.	Approved	29.06.2004
10/00261/FUL	Retrospective change of use from flat and A1 shop to flat and A3 cafe.	Approved	26.04.2010
19/01765/ADV	Proposed replacement of 1no. existing 48-Sheet Advertising Panel on gable end with 1no. new Digital 48 LED Advertising Display.	Approved	22.01.2020

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 is no adopted or draft neighbourhood plan for this area.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2024 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL3 Sustainable Design

CP2 Improving the Transport Network

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located towards the West of Old Road, within the settlement development boundary of Clacton on Sea. The site currently serves a paper and paste advertisement board, measuring 6 metres in length by 3 metres in height. The board is situated on the northern elevation of No. 181 Old Road. To the north of the site is a car dealership and associated car storage, with a large open frontage meaning the existing advertisement board is highly visible to the public views of the area.

The site is located within a priority area for regeneration and lies within the town centre of Clacton on Sea.

Description of Proposal

This application seeks planning permission to upgrade the existing paper and paste advertisement display with 1 no. digital advertising display (D-Poster).

The proposed digital advertisement board will measure 3 metres in height by 6 metres in width, to match the size and scale of the existing advertisement board and will remain on the northern elevation of 181 Old Road. Lightweight, digital LED panels will be used to display multiple static advertisements on rotation, with the image produced mimicking that of a traditional poster. The board will be internally illuminated and is able to adjust according to changes in ambient lighting, with a brightness of 300 cd/sqm from dusk to dawn and up to 5,000 cd/sqm at all other times.

This proposal has been submitted as part of a nation-wide project to upgrade traditional advertising hoardings to a modern digital format. The use of digital formats has multiple benefits such as the reduction of clutter and vehicle trips to repost adverts as this can now be done remotely.

Assessment

Visual Amenity

Paragraph 135 of the National Planning Policy Framework 2024 (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 (2024) 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 advertisement board is located on the northern elevation of 181 Old Road, To the north of the site is a car dealership and associated car storage, with a large open frontage meaning the existing advertisement board is highly visible to the public views of the area. However, as the proposed display is of the same size and scale to the existing display the impact on the character and visual amenity of the area is deemed minor. Furthermore, the site is located within Clacton Town Centre and is largely surrounded by retail and commercial units, with advertisements appearing prominently in the area. The proposal will therefore blend with its surroundings and is not considered to have any harmful effects on the visual amenity of the area.

Highway and Public Safety

Paragraph 141 of the NPPF (2024) 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 County Council Highway Authority have been consulted on this application, their comments can be viewed in full above. The highway Authority have noted that the display will be located on private land and the proposed advertisement adjusts its output according to the prevailing levels of ambient light, up to a maximum threshold of 5000 cd/sqm luminance on the brightest of days. The highway authority have no objection to this application following necessary mitigation and conditions as included.

There is a significant enough distance to the nearest residential property to have no significant harmful impacts to existing neighbouring amenities.

Other Considerations

Clacton is non-parished and therefore no consultation / comment is required.

There have been no other letters of representation received.

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. 9459 PA 01 - Site Plan

Drawing No. 9459 PA 03 - Proposed Block Plan

Drawing No. 9459 PA 04 - Existing and Proposed Elevations

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 COMPLIANCE REQUIRED - ILLUMINATION

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 300 Candelas per square metre (300cd/m²) at night and 3500 Candelas per square metre (3500cd/m²) during the day.

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

10. Informatives

Highways Informative:

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.

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)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

and ethnic or national origin)		
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:		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? Please use the below options as required. No Declarations Of Interest		NO