

Application Number: 19/10478 Advertisement Consent

Site: 9-11 OLD MILTON ROAD, NEW MILTON BH25 6DQ

Development: Display 1 Internally illuminated wall mounted logo sign
(Application for Advertisement Consent)

Applicant: Ross Nicholas and Company

Target Date: 05/06/2019

Extension Date 14/06/2019

Link to case file <http://www.newforest.gov.uk/article/13702/How-do-I-view-and-comment-on-a-planning-application-or-appeal>

1. SUMMARY OF THE MAIN ISSUES

1.1 The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) Amenity
- 2) Highway safety

1.2 This matter is before Committee because the officer's recommendation is contrary to the Town Council view.

2. THE SITE

The site consists of an end of terrace building with the gable end currently painted black. It is located within New Milton town centre and the area is predominantly commercial in character with a mixture of uses which include retail and estate agents. There are some residential uses above ground floor premises. The property is separated from the neighbouring building by a road and a narrow footpath leading to the public car park situated to the rear. The premises benefit from a dual frontage at ground floor level which include fascia signs and display windows on both front and side elevations.

3. THE PROPOSED DEVELOPMENT

Advertisement consent is sought for an internally illuminated wall mounted logo sign at first floor level. The sign would be at high level 4 m from pavement level set on a white gable end above the existing fascia sign. It would be oval shaped and have maximum dimensions of 2m (wide) by 1m (high). It would be 0.08m deep.

4. PLANNING HISTORY INCLUDING NOTES OF ANY PRE APPLICATION DISCUSSIONS

	Proposal	Decision Date	Decision Description	Status	Appeal Description
4.1	19/10139 Display 1 internally illuminated wall mounted logo sign (Application for Advertisement Consent)	03/04/2019	Refused	Appeal Received	
4.2	17/11502 Display 1 non illuminated wall painted sign on painted background (Application for Advertisement Consent)	18/06/2018	Refused	Appeal Decided	Appeal Dismissed
4.3	13/10744 Display 2 illuminated fascia signs	12/08/2013	Granted Subject to Decided Conditions		
4.4	89/NFDC/41024 /ADV Display non-illuminated fascia sign	13/04/1989	Granted Subject to Decided Conditions		
4.5	88/NFDC/37948 Consent display illuminated fascia and hanging sign.	01/07/1988	Granted Subject to Decided Conditions		

5, THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

The Core Strategy

CS2: Design Quality

Local Plan Part 2 Sites and Development Management Development Plan Document

DM14: Primary shopping frontages

The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

SO3: Built environment and heritage

Supplementary Planning Guidance and other Documents

SPD - New Milton Local Distinctiveness

SPG - Shopfront Design Guide

6. RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.”

National Planning Policy Framework

Chap 12: Achieving well designed places

Para 132 - adverts

7. PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

NMTC Informal Comment: OBJECT (Non-Delegated)

- (1) Contrary to the Appeal Decision for application 17/11502 -
 - a) The logo will still be visible from the street scene and car park due to its placement and garish appearance (para.7)
 - b) It will be visually intrusive and increase clutter in the prominent town centre location, causing harm to amenity (para.8) The members note that the gable end already has a section of branded fascia on it, so any further advertisements would certainly add to clutter in a section of the high street already dominated by illuminated estate agent signage.
 - c) It is not comparable to others in the vicinity as will still be conspicuous within the street scene (para.8)
- (2) The painted background makes the gable end even more prominent in the street scene as neighbouring buildings including gable ends are brick faced, not painted render.
- (3) It would set a precedent for treatment of shopfronts with gable ends.

8. COUNCILLOR COMMENTS

None received

9. CONSULTEE COMMENTS

The following is a summary of the comments received which can be read in full via the link set out at the head of this report

Hampshire Highways: No objection subject to condition on level of illumination

10. REPRESENTATIONS RECEIVED

No comments received

11. OFFICER COMMENTS

Introduction

- 11.1 The proposed sign would be 2 x 1 metres and oval in shape set on a white gable end background, there would be a limited protrusion of 0.08 metres to provide space for the internal illumination. This proposal presents a more modest sign that is not so visually intrusive as the previous proposals which were refused and one dismissed at appeal. The white painted gable end would be in keeping with the front of the terrace of buildings which is also painted white.
- 11.2 The 2017 sign, dismissed at appeal, was non- illuminated. It was 4.03m x 2.3m in size on a black and white background. In dismissing this appeal the Inspector considered that the sign would cover a large area of the gable end. The logo would be highly visible within the street scene by reason of its placement, proportions, height, size and garish appearance. This prominence was exacerbated by the position of the appeal premises forward of the adjacent building.
- 11.3 A subsequent proposal (19/10139) for an illuminated sign the same size as that currently proposed on a black painted gable end was refused in April 2019. This sign was refused due to its visual dominance that detracted from the character and visual amenities of the area. It is currently under appeal.

Relevant Considerations

Amenity

- 11.4 The proposed logo would be a proportionately sized illuminated sign set on a white painted background which would be consistent with the frontage of the terrace of properties of which the site forms a part, there would remain a large area of the gable end which would be uncluttered by signage. The only changes from the previously refused proposal is the colour of the gable end which would now be painted white. However the provision of a white gable would be more in keeping with the existing property, reduce the contrast with its background and thereby reduce the prominence of the sign within the street scene. Whilst it is acknowledged that the position of the property, set forward from the adjacent terrace, and the height of the sign increases its prominence, there are other examples of first floor signs in conspicuous locations in the vicinity. On balance, it is therefore considered to be acceptable subject to a condition to retain the gable end painted white while the sign is in situ.

Highway safety

- 11.5 Hampshire Highways were satisfied that there would be no material adverse impact upon the operation or safety of the local highway network, however they require a condition be imposed to limit the level of illumination and that no light source, such as light bulbs or tubes, to be visible from the highway. The only issues of public safety relate to highway safety which is addressed above.
- 11.6 NPPF Chapter 12 Paragraph 132 states "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.” The proposed sign would have limited illumination and would not harm public safety, furthermore although it would be prominently positioned at high level the harm to visual amenity would not be sufficient to justify a refusal.

11.7 Response to New Milton Town Council’s comments

An advertisement by it’s nature is intended to have a degree of visibility in the street scene. The existing fascia sign above the display window just has the black and white branding, there is no other red logo exhibited on this elevation.

12. **CONCLUSION ON THE PLANNING BALANCE**

The proposed illuminated sign would not cause harm to highway safety. The proposed logo is brightly coloured and the proposal would by it’s nature have a degree of prominence, however this would not be such an extent that it would have an unacceptable impact on amenity and as such would not conflict with policy CS2 of the Core Strategy or paragraph 132 of the NPPF and as such the application is recommended for permission.

13. **OTHER CONSIDERATIONS**

Proactive Working Statement

13.1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

13.2 In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

Crime and Disorder

13.3 None relevant

Local Finance

13.4 From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

13.5 Local financial considerations are not material to the decision on this application

Human Rights

13.6 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with

these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

13.7 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14. NOTES FOR INCLUSION ON CERTIFICATE:

- 1 In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

- 2 This decision relates to amended plans received by the Local Planning Authority on 22 May 2019

15. RECOMMENDATION

GRANT ADVERTISEMENT CONSENT

Standard Conditions

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. 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.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Proposed Conditions:

6. The development permitted shall be carried out in accordance with the following approved plans: Supporting planning statement dated 10 April 2019, 2898-1 RevA & 2898-3 RevC.

Reason: To ensure satisfactory provision of the development.

7. The external lighting herewith approved shall not exceed the luminance levels shown within the application form (150 cd/m²) unless otherwise approved by the Local Planning Authority in writing and no light source (e.g. light bulbs & tubes) shall be visible from the highway.

Reason: To protect the amenities of the area and in the interest of highway safety in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

8. The full painting of the gable end wall shall be painted white fully prior to the erection of the advertisement hereby approved. The gable end shall thereafter be retained painted white at all times whilst the the sign is displayed.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

Further Information:

Rosie Rigby
Telephone: 023 8028 5588



Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
June 2019

Item No: 3j

9-11

Old Milton Road
New Milton
19/10478

Scale 1:1250

N.B. If printing this plan from the internet, it will not be to scale.

