

Application Number: 19/10690 Advertisement Consent

Site: 21 ST JOHNS STREET, HYTHE SO45 6BZ
Development: Display internally illuminated wall mounted sign; display non-illuminated post mounted sign (Application for Advertisement Consent)

Applicant: Mrs Steadman

Target Date: 25/07/2019

Extension Date: 13/09/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

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) Highway safety
- 2) Visual amenity

This matter is being considered by Committee as the recommendation is an opposing view to that of the Town Council.

2 THE SITE

The application site falls within the built up area, Conservation Area and within the Town Centre boundary. 21 St John's Street is a large detached property situated opposite the new Lidl building. To one side of the property there is a terrace of Listed Buildings and to the other side is the Parish Council building.

3 THE PROPOSED DEVELOPMENT

Display internally illuminated wall mounted sign; display non-illuminated post mounted sign

4 PLANNING HISTORY

| Proposal | Decision Date | Decision Description | Status |
|--|---------------|-------------------------------|---------|
| 84/NFDC/27481 Addition of a conservatory. | 13/11/1984 | Granted | Decided |
| 81/NFDC/19118 Change of use from office accommodation to residential with overnight accommodation. | 25/06/1981 | Granted Subject to Conditions | Decided |

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Constraints

Aerodrome Safeguarding Zone
Plan Area
Flood Zone

Conservation Area: Hythe Conservation Area

Plan Policy Designations

Built-up Area
Town Centre Boundary

CS20: Town, district, village and local centres

National Planning Policy Framework

Chap 12: Achieving well designed places
Chap 16: Conserving and Enhancing the Historic Environment

Core Strategy

CS2: Design quality
CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

Emerging Local Plan

Policy 13: Design Quality and Local Distinctiveness

S03: Built Environment and Heritage

Supplementary Planning Guidance And Documents

SPG - Hythe - A Conservation Area Appraisal
SPG - Shopfront Design Guide
Hythe Neighbourhood Plan

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

None relevant

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 3: Recommend PERMISSION.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

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

HCC Highways - Condition

- no objection
- subject to condition

NFDC Conservation - Objection

- we are required to preserve and enhance the character of the Conservation Area by the Planning (Listed Buildings and Conservation Area) Act 1990 section 72.
- a hanging sign with LED lights would be more traditional
- the shopfront design guide states maximum size should be 650x650
- remove post mounted sign from proposal

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

No comments received

11 OFFICER COMMENTS

Introduction

The proposal is to display an illuminated wall mounted sign and a non illuminated post mounted sign. The main issues for consideration for this advertisement application are the impacts on the visual amenity of the area having particular regard to its siting within a Conservation Area, and whether the proposed advertisements impact on highway safety.

An existing non illuminated hanging sign will be removed, the proposed signage will advertise the name of the guest house. One is a wall mounted sign, which is proposed on the front elevation and the other a post mounted hanging sign, which is proposed to be on the side boundary beside an existing wall. The proposed signs are aluminium tray design with powder coating finish. The proposed wall mounted sign is back lit with low voltage LED. The principle of new signage in this location is acceptable.

Amended plans have been received to reduce the size of the wall mounted sign from 2m² to 1.5m². There were no changes made to the post mounted sign. The reduction is appreciated however this change is not sufficient to overcome the concerns raised and the proposals remain contrary to the shopfront design guide. The shopfront design guide recommends that signs within the Conservation Area should be appropriate and sympathetic to the character of the area. Traditional materials which avoid strong colours and shiny finishes should be used. Internal illumination is not appropriate, the careful use of a spotlight may be acceptable.

Harm would be caused due to the overall size location and non-traditional materials proposed.

The officer has requested further changes, to reduce the size of the wall mounted sign by even more and for it to be sited lower on the front elevation so as not to compete with the first floor windows. Also to reduce the height and size of the post mounted sign. The use of traditional materials and a different form of illumination. The applicant has chosen to proceed with the amended wall mounted sign which is of a reduced size and the original post mounted sign.

The applicant has referred to other signs in the area -

Lidl signs - these serve a large modern building, the approved signs are corporate, they have low level externally illuminated signage to the fascia only which is consistent with a shop of this size, the post mounted signs are all non illuminated the building falls outside the Conservation Area.

Parish Council Building, The Grove - these signs are large painted timber signs which are positioned under first floor windows and are non-illuminated. This property is described in the Hythe Conservation Area Appraisal as an important unlisted building, the shop front guide shows the colour of the signs as acceptable.

Relevant policies considered

Policy CS2 of the Core Strategy for the New Forest District outside the National Park (2009) requires new development to be well designed to respect the character, identity, and context of the area's towns, villages and countryside. It also states that new development shall not cause unacceptable effects by reason of visual intrusion, overlooking, shading, noise, light pollution or other adverse impact on local character and amenities. This advice is reflected in the emerging Local Plan, namely Policy 13 - Design quality and local distinctiveness.

The National Planning Policy Framework (2019) in Chapter 12 (Achieving well-designed places) puts strong emphasis on delivery of good design which helps to create "better places in which to live and work and helps make development acceptable to communities" (para. 124). The Framework also calls for "a high standard of amenity for existing and future users" (para. 127).

National Planning Policy Framework:

Paragraph 190 requires LPAs to take account of the significance of affected heritage assets when considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal;

Paragraph 193 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm.

Paragraph 194 Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification,;

Paragraph 196 requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal; and

LPAs to have regard to the desirability of preserving the building or its setting or any features of special **Section 16 (2) and 66 (1)** of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Considerations

Highway safety

Highways have been consulted and comment that there would be no harm to public safety subject to restrictions on illumination levels.

Visual Amenity

The character on this side of the road is predominantly residential, there are no other large or illuminated signs in close proximity, with which to compete as would be the case in a high street context. Next door there are a small group of listed buildings that are important to consider as they form the context of this proposal. The site is located within the Conservation Area although close to its boundary.

The wall mounted sign due to its size (1.5m x 1.5m) and position on the building, illumination and materials is considered to be out of keeping with the locality. Due to being located between the first floor windows it would be prominent within its context drawing attention to its overall size and inappropriate materials

The post sign would be non illuminated, the sign is 800 x 600 on a post of 2.4m due to its forward location is remote from the building, the size, overall height and non-traditional materials would add visual clutter to the street scene. As such it would appear prominent and visually intrusive within its setting and would detract from the character and appearance of the Conservation Area

12 CONCLUSION ON THE PLANNING BALANCE

The application has been considered against all relevant material considerations including the development plan, relevant legislation, policy guidance, government advice, and the views of consultees and interested 3rd parties. On this occasion, having taken all these matters into account, it is considered that significant harm would result from the proposals and a refusal is justified in this instance.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant implications

Local Finance

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

Human Rights

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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Equality

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. RECOMMENDATION

REFUSE ADVERTISEMENT CONSENT

Reason(s) for Refusal:

1. By reason of the excessive size, siting, inappropriate materials and illumination of the wall mounted sign, coupled with the height, size and materials and the forward position of the post mounted sign, the proposals would be harmful to the visual amenity of the Hythe Conservation Area. As such the proposals would be contrary to Policy CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park, DM1 of the Local Plan part 2 sites and development management plan, National Planning Policy Framework. Shopfront Design Guide.

Notes for inclusion on certificate:

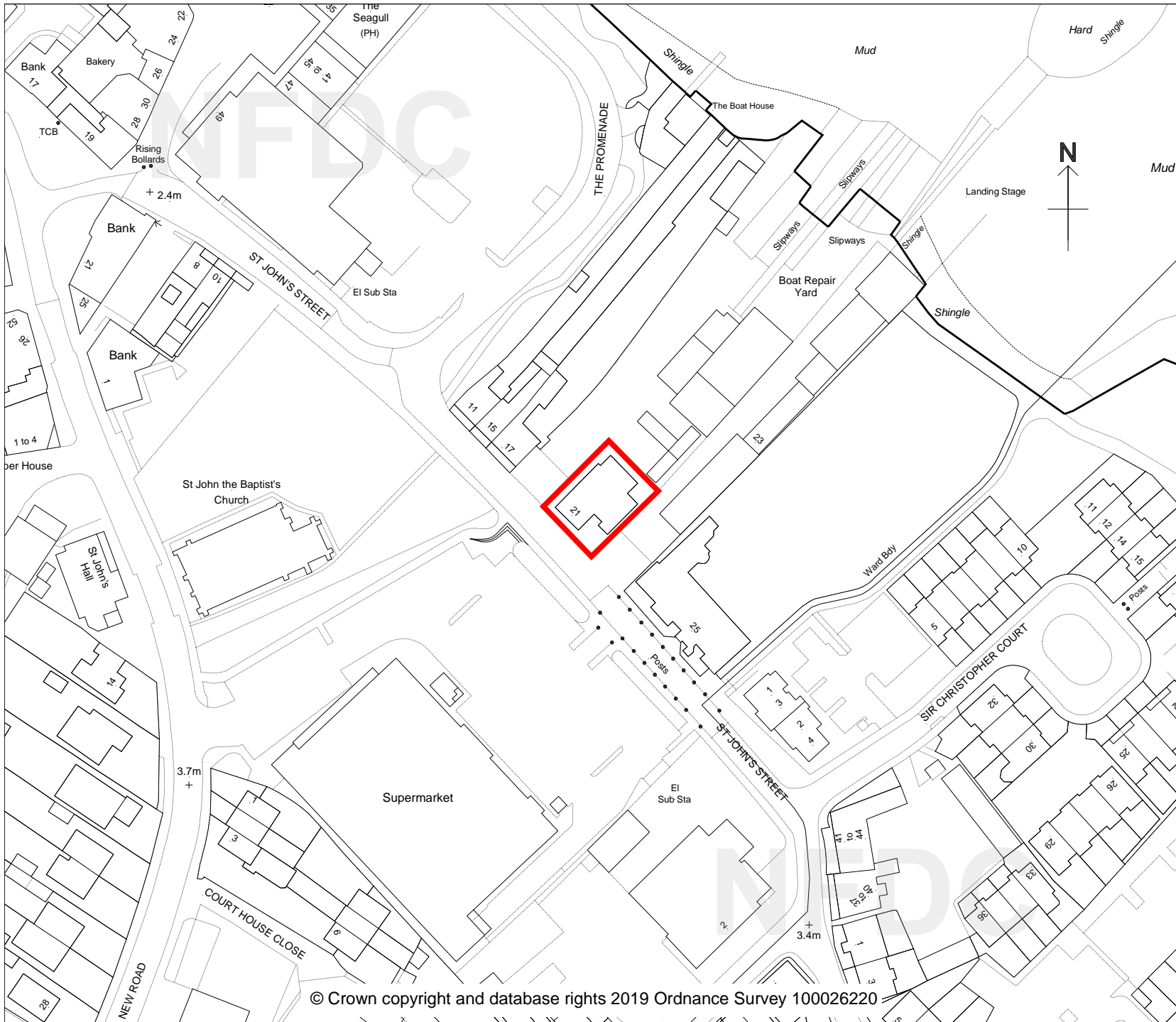
1. In accordance with paragraph 38 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling 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, the application was acceptable as submitted, concerns were raised and amended plans were submitted, further amendments were requested but declined by the applicant.

Further Information:

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New Forest

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PLANNING COMMITTEE

September 2019

Item No: 3d

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 Hythe
 19/10690

Scale 1:1250

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