

**19/10917** Advertisement Consent

**Application Number:**

**Site:** LAND NORTH OF, SCHOOL LANE, MILFORD-ON-SEA  
SO41 0TU

**Development:** Erection of hoardings, Stack Sign; Flagpoles and flags for a temporary period (Application for Advertisement Consent)

**Applicant:** Pennyfarthing Homes Ltd.

**Target Date:** 07/10/2019

**Extension Date:** 11/10/2019

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

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## 1 SUMMARY OF THE MAIN ISSUES

This is an application for advertisement consent and accordingly the matters for consideration are limited to:-

- 1) Visual amenity
- 2) Highway safety

These, are considered in Section 11, of this report after which a conclusion on the planning balance is reached

This matter is being considered by Committee as a contrary view has been expressed by the Parish Council

## 2 THE SITE

The site is currently under construction with 42 dwellings and flats. This development was allowed at appeal in April of this year. The development includes a new vehicular access from a point to the south of the site from Lymington Road and parking arrangements for the proposed housing. A dual use car park /school drop off for 36 spaces is to be provided within the open space and Green Belt accessed from Lymington Road to the north of the site. Five full size allotments are to be provided to the northern end of the site.

## 3 THE PROPOSED DEVELOPMENT

The current application seeks temporary advertisement consent for hoardings, a stack sign and flagpoles on the Lymington Road frontage of the site and part of School Lane.

Amendments have been made to the number and height of the flagpoles through negotiation. This reduced the number of flagpoles from 6 to 4 and the height of the flagpoles from 6m to 4 m. With the exception of the highway authority no re-consultation was undertaken on these amendments

The hoardings, signs and flagpoles would be located along the frontage of the site to the south of Milford on Sea Primary School close to the construction access wrapping around the corner onto School Lane.

The advertisements are as follows:

- Hoardings which would be 2.4m high with various illustrations relating to the development on the site.
- A stack sign which would be V shaped and 6 m high. It would be non illuminated and located close to the corner of Lymington Road and School Lane.
- Four white flagpoles of 4 m high. The flagpoles would be white and the flags green with a white background. The flags would be 900mm wide x 1800mm high in size. The original proposal was for 6 flagpoles of 6 m high.

The period for display is proposed until 30th June 2021

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
17/10606 Development of 42 dwellings comprised: 17 detached houses; 8 semi-detached houses; 11 terraced houses; 6 flats; garages; parking; landscaping; estate roads; junction access; footpaths; open space, play area; 5 allotments; cycleway	19/07/2018	Refused	Appeal Decided	Appeal Allowed with Conditions 08/04/2019

#### 5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

##### Core Strategy

CS2: Design quality

##### Local Plan Part 2 Sites and Development Management Development Plan Document

MoS1: Land north of School Lane

##### The Emerging Local Plan

Policy 13: Design quality and local distinctiveness

##### Supplementary Planning Guidance And Documents

SPG - Milford-on-Sea Village Design Statement

##### Constraints

Tree Preservation Order: TPO/0030/17/T2

##### Plan Policy Designations

Green Belt  
Built-up Area

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

Section 38 Development Plan

Planning and Compulsory Purchase Act 2004

Control of Advertisement Regulations 2007

### **Relevant Advice**

NPPF: Chap 12: Achieving well designed places

## **7 PARISH / TOWN COUNCIL COMMENTS**

### **Milford On Sea Parish Council**

PAR 4: We recommend REFUSAL.

The Parish Council strongly objects to the proposed flagpoles and hoardings. It considers them to be intrusive in the context of the open, rural character of the area and also highly dangerous as they would be a distraction to drivers on this busy road in such close proximity to the Primary School. The Parish Council would not object to one stack being placed on the corner with School Lane to keep local residents informed of developments on this site.

Comment can be viewed under Related Documents

## **8 COUNCILLOR COMMENTS**

No commented 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.

9.1 Hampshire County Council Highways - No objection

9.2 Southern Water - No objection

9.3 Southern Gas Network - offer advice

Comments in full are available on the NFDC website.

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

The 53 objections have been received on the following grounds :

- Intrusive, unsightly advertisements.
- Out of keeping and dominate the entrance to the village
- Out of place in landscape, countryside and Green Belt
- Excessive size and number of advertisements proposed - 2 flags would be sufficient.
- Highways /safety hazard due to bends in road, traffic lights, pedestrian crossing, bus stops and access to the school and hotel.

- Highway distraction on B3058 to cars, cyclists and pedestrians particularly due to the location near school.
- Unnecessary advertisements.
- Impact on wildlife, trees and hedges.
- 2 years is too long for advertisements to be in place.
- Noise of flags on windy days.
- Unwanted development.
- Loss of views of the fields.
- Inconvenience of building works.
- Traffic and construction noise from the development.

The 1 letter of support has been received which comments:

- The Advertisements are for a temporary period
- This is normal marketing
- need to accept development on the site

## 11 OFFICER COMMENTS

### Introduction

- 11.1 As this application is for advertisements the only issues for consideration are visual amenity and public highway safety.
- 11.2 Signage is characteristic of many large-scale development projects when they are marketing the site. Whilst this type of signage would not be considered appropriate for permanent retention a temporary period for display until 30th June 2021 is sought which could reasonably be secured by a planning condition.

### Relevant Considerations

#### Visual amenity:

- 11.3 The assessment of the appropriateness of the proposals and their visual impact needs to be considered in the context of the site and its location. This is a large site that has until recently had an open rural character located between the Milford on Sea Primary School buildings and other residential development on the eastern side of Lymington Road.
- 11.4 The flagpoles and hoardings would be located along a road frontage length of approx 75 m to Lymington Road and would wrap around the corner of the site onto School Lane either side of the temporary construction access. Three of the flagpoles would be located along the frontage with Lymington Road within a length of approx. 18m close to the construction access. The fourth flag pole being positioned further north almost opposite the junction with Manor Road. The stack sign would be located on the corner of School Lane.
- 11.5 The type of signage proposed is considered acceptable in principle. Consideration has been given to the amount of signage and its appropriateness to the site. The character of the site will change when the development is complete and the signage is considered to be of an appropriate level particularly when seen against the backdrop of the construction that is now underway on the site

- 11.6 Overall, when considered within the context of the site, its changing character as the development progresses, the temporary period proposed and the need to market the dwellings the proposed advertisements are considered to be of a proportionate level and have an acceptable impact on visual amenity of the area.

#### Highway Safety:

- 11.7 The Highway Authority have been consulted and have raised no objection to the revised plans. These plans show the flagpoles would be positioned within the site and the hoardings placed against the hedgerow and suitably set back from the edge of the road. The highway authority are satisfied that the proposed positioning of the hoardings and flagpoles will not obscure visibility from the site access or road.
- 11.8 Whilst numerous objections have been received on highway grounds, given the comments of the highway authority it is not considered that an adverse impact on highway safety or resultant driver distraction would result from the proposed signage such that refusal could be justified on this basis.

#### 11.9 Other Case Specific Factors

Numerous objections have been received to these proposals (original plans). Most of the comments - insofar as they relate to visual amenity and highway safety - are covered in the assessment of the main issues set out above

Other comments made have referred to noise and disturbance from the development site, however whilst noted this it is not material to consideration of the current advertisement application.

Potential noise from flags on windy days would not be considered harmful given that there are only 4 flags and they are located on the road frontage.

Ecology and wildlife issues were considered as part of the residential development scheme and the proposed signage would not harmfully impact on these interests. The hoardings and flag poles would be erected so as not to adversely impact on the hedge that is to be retained as part of approved development on the site. Furthermore the revised plans confirm the location of the flagpoles and hoardings with respect to the retained hedge. The hoardings will be located against the hedge line and would afford additional protection to the hedge whilst avoiding root damage. In addition it has been confirmed that these works would be undertaken under ecological supervision.

Reference is made as to whether there is a need for these advertisements. This is a commercial decision about the marketing of the site and not a planning consideration. Furthermore it is relevant to note that under the Advertisement Regulations (Class 7 and 8) 2 flagpoles of 4.6m high with flags of 2 square metres along with site hoardings of 4.6 high could be erected without express advertisement consent and retained for the duration of the development and removed 1 year after the last house is sold.

## 12 CONCLUSION

For the reasons given above, it is considered that the proposed advertisements would have an acceptable impact with respect to their impact on the visual amenity of the area and highway safety.

Therefore, temporary advertisement consent is recommended.

## 13 OTHER CONSIDERATIONS

### Crime and Disorder

Not relevant

### 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 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

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

### 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: Proposed site plan (amended); Enlarged extract site plan; stack sign elevation.; flagpole elevation; hoarding elevation.

Reason: To ensure satisfactory provision of the development.

7. The advertisements hereby approved shall be removed from the site on 30th June 2021 or when the last dwelling on the site is sold whichever is the earlier date and the land restored in accordance with the approved plans for the development of the site under planning consent 17/10606.

Reason: Due to the nature of the advertisements and the as long term retention of the signage would be inappropriate to the visual amenity of the area.

### **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 the application was amended to reduce the number and height of the flagpoles and as such as it was considered to be acceptable as submitted no specific further actions were required.

2. This decision relates to amended plans received by the Local Planning Authority on 20th September 2019.

**Further Information:**

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