

Application Number: 19/10949 Advertisement Consent

Site: 2 SOUTH STREET, HYTHE SO45 6EB
Development: Display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent)
Applicant: Churchill Retirement Living
Target Date: 26/09/2019
Extension Date: 14/02/2020

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) Impact upon visual amenities of the area, including the character and appearance of the Hythe Conservation Area,
- 2) Impact upon public safety.

This matter is before Committee as the Hythe & Dibden Parish Council recommended refusal for the reasons set out below which is contrary to the Officers' recommendation following revision of the original scheme.

2 THE SITE

This application site is a prominent site located on the corner of St John's Street and South Street in the centre of Hythe, with vehicular access onto South Street. The site extends to the rear of fairly traditional dwellings at 8, 8A and 10 South Street. It is bounded on its north-eastern side by St John's Street and on its north-western side by Lidl supermarket and an associated car park.

The wider area surrounding the application site is mixed in character, but includes a significant residential element, with many traditional buildings in residential use fronting onto the adjacent roads at South Street, St John's Street, and Shore Road. The site bounds the Hythe Conservation Area on its north-eastern, south-eastern and south-western sides, with a small area of the site being within the Conservation Area. A group of buildings opposite the corner of the site (37-44 Sir Christopher Court and 1-3 Shore Road) are Grade II Listed.

3 THE PROPOSED DEVELOPMENT

The application seeks advertisement consent for the display of 11no. 2240mm high outdoor signs consisting of pictures, logos and text over 38 hoarding panels.

4 PLANNING HISTORY

16/11639 - 1 block of 36 sheltered apartments; communal facilities; access; parking and landscaping - Granted. 11/5/17.

17/11646 – 1 block of 43 retirement apartments; communal facilities; access; parking and landscaping. Refused. 14/03/2018. Appeal Allowed. 02/04/2019

19/10880 - Variation of condition 2 of planning permission 17/11646 to allow alterations to doors; windows; porches; balconies; smoke vent; brick pier support to undercroft parking; buggy store; path; 2 single dormer windows on south east elevation. Under consideration.

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

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

The Emerging Plan

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

Hythe Conservation Area Appraisal

Constraints

Conservation Area: Hythe Conservation Area

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 66(1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

Chap 12: Achieving well designed places

Chap 16: Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Hythe & Dibden Parish Council

Comment: PAR 4: Recommend REFUSAL for the following reasons:

- 1) The size and design of the signage is out of keeping with the Conservation Area.
- 2) The proposal is out of keeping with the street scene.
- 3) The visual impact of the signage will have a detrimental effect on the neighbours opposite.
- 4) The signage may cause driver distraction on a hazardous bend in the road.

8 COUNCILLOR COMMENTS

No comments received

9 CONSULTEE COMMENTS

The following is a summary of the representations received:

- 9.1 HCC Highways - no objection.
- 9.2 NFDC Conservation Officer - objection to original proposal due to proposed scheme having less than substantial harm on the setting of the Hythe Conservation Area and setting of adjacent Listed Buildings. No objection received to the revised scheme.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

Four letters of objections have been received raising the following concerns:

- Visually intrusive and irritating development
- Traffic hazard
- Excessive and inappropriate
- Intimidating and unsightly
- Outdoor advertisement left on other sites for too long post-occupation
- Inappropriate development in Conservation Area

11 OFFICER COMMENTS

Introduction

- 1.1 As this application is for advertisement consent the only issues that can be taken into consideration are the impact upon the visual amenities of the area and public safety.
- 11.2 The application seeks advertisement consent for the display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels.
- 11.3 The originally submitted scheme which raised objection from the Conservation Officer and the Hythe & Dibden Parish Council consisted of 11no. signs to be displayed over 44 hoarding panels, 3no. 4m high monolith CRL boards and 12no. 7m high flag poles.

Impact upon visual amenities of the area

- 11.4 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting. Policies CS3 and DM1 of the Development Plan relate to the heritage impacts of development proposals and seek to protect the character of conservation areas.
- 11.5 The proposed signage would consist of colour pictures, white logos and text displayed on hoarding boards 2240mm high, positioned alongside the frontage of the site. There would be three signs consisting of full height pictures and covering the entire hoarding panels which consequently would be more visually prominent than the signs displaying text and logos. However, none of the signs would be illuminated.
- 11.6 It is noted that advertisement signage on hoarding panels is a financial incentive for developers to screen unsightly construction sites with hoarding. Therefore, some signage can be reasonably expected on a construction site of this scale on a temporary basis. In this case, it is felt that the combined size of the signs, their detailed design, height, position alongside the street frontage, and the lack of illumination would mean that the signage, as proposed, would not appear excessive and harmfully intrusive, having regard to their short-term nature.
- 11.7 The Conservation Officer considers that the revised proposal would be acceptable in this context subject to a condition securing its timely removal following completion of the wider development.
- 11.8 Therefore, it is considered that subject to conditions, the revised advertisement scheme would not cause demonstrable harm to the visual amenities of the nearby residents and would protect the character and appearance of the Hythe Conservation Area and the heritage assets located within it, and in particular listed buildings located near the application site.
- 11.9 As a result, insofar as the statutory duties imposed by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 (1) of the Planning Act (Listed Buildings and Conservation Areas) Act 1990 are engaged, their objective of preserving the setting of listed buildings and the character or appearance of the Conservation Area are satisfied.

Impact upon public safety

- 11.10 Policy CS2 of the Core Strategy seeks to ensure that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses or amenity. The Highway Authority do not consider the proposed signage would affect the safety or operation of the highway and no other concerns are raised in respect of public safety.
- 11.11 The majority of the proposed signs would be located alongside the junction of St Johns Street and South Street. The Highway Authority did not raise concerns in terms of vehicle speeds or frequency of traffic accidents occurring at the junction. The proposed signs would not be illuminated and would not display digital changing images which would be

of a more distracting nature. Given the degree of concentration required from drivers when approaching the site and at the road junction, it is not considered that the proposed signage would have a significant adverse effect on drivers' visual behaviour and driving performance. Therefore, for the reasons set out above, it is concluded that proposed signs would not prejudice highway safety.

Other matters

11.12 It has been suggested in third party comments that signs of similar nature in other development sites are left in place following occupation of apartments. The planning agent has agreed to a condition which requires the removal of the proposed signage within 3 months from completion of the wider development.

12 CONCLUSION ON THE PLANNING BALANCE

In light of the above, it is considered that this application for advertisement consent would not be materially detrimental to visual amenities or public safety. The proposal complies with the design and amenity related provisions of the National Framework and Development Plan and accordingly is recommended for approval.

13 OTHER CONSIDERATIONS

Crime and Disorder

No relevant considerations.

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.

Other Case Specific Factors

None.

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:

CRL : 10085HY : 218 rev B
Location Plan 10085HY-PLOC

Reason: To ensure satisfactory provision of the development.

7. The outdoor advertisements hereby approved shall be removed within 3 months of the completion of the development approved under Planning Permission 19/10880 or by 31st August 2021, whichever is the sooner and the land restored to a condition which has first been agreed by the Local Planning Authority.

Reason: In the interest of visual amenities of the area and to conserve the character and appearance of the Hythe Conservation Area and the setting of heritage assets located near the application site.

Further Information:

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