

Application Number: 20/10139 Advertisement Consent

Site: HUBERT LODGE, 2 SOUTH STREET, HYTHE SO45 6GS

Development: 1 x Site Safety Hoarding with text advertisement
(Application for Advertisement Consent)

Applicant: Churchill Retirement Living

Agent: Planning Issues Ltd

Target Date: 06/04/2020

Case Officer: Arleta Miszewska

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application.

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

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 retrospective advertisement consent for the display of 7no. 2240mm (2.24m) high outdoor signs consisting of logos and text over 38 hoarding panels.

Although the application form states that the proposed development is not already in place, from a visit to the site it is clear that the proposed advertisements have already been displayed.

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.

19/10949 - Display of 11no. outdoor signs consisting of pictures, logos and text over 38 hoarding panels (Application for Advertisement Consent). Withdrawn. 11/02/2020.

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 Local Plan

Policy 11 Heritage and conservation

Policy 13 Design quality and local distinctiveness

Hythe and Dibden Neighbourhood Plan

Policy D1

All new development in Hythe and Dibden will be required to seek exemplary standards of design and architecture, to demonstrate

- that local character and context has been fully recognised,
- that the proposed design responds to it, and
- that what is valued locally is respected.

The design and materials used in the development should complement, but do not necessarily need to imitate, the best examples of design and building in the local area. Innovation in design is encouraged, provided it fully respects local context.

Policy D3

Hythe and Dibden has its own unique qualities and characteristics - all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

Supplementary Planning Guidance

Hythe Conservation Area Appraisal

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

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. The Committee has the following concerns:

- 1) This is a significant advertisement by way of its size and impact on the adjacent Conservation Area.
- 2) It is detrimental to the street scene.
- 3) It is a distraction to drivers at an already dangerous junction.

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.

Hampshire County Council Highways – comments awaited.

Conservation Officer - no objection.

10 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

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

- any additional advertising is non essential,
- distraction for drivers and in bad weather liable to fall and hurt someone,
- out of keeping in the local area,
- if allowed they will be a permanent fixture.

11 OFFICER COMMENTS

Introduction

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.

The application seeks advertisement consent for the display of 7no. outdoor signs consisting of logos and text over 38 hoarding panels.

Impact upon visual amenities of the area, including the character and appearance of the Hythe Conservation Area,

Policy CS2 of the Core Strategy and Policy 13 of the Emerging Local Plan require 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. Neighbourhood Plan policies are also relevant as set out above.

The proposed signage would consist of white logos and text displayed on hoarding boards 2240mm high, positioned alongside the frontage of the site. None of the signs would be illuminated.

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.

The Conservation Officer considers that the proposal would be acceptable in this context subject to a condition securing its timely removal following completion of the wider development.

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.

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

Policy CS2 of the Core Strategy and Policy 13 of the Emerging Local Plan require that all new development is appropriate and sympathetic to its setting and shall not cause unacceptable effects to adjoining land uses or amenity. The views of the Highway Authority are currently awaited. However, the previously submitted scheme under ref. no. 19/10949 which included signs which were visually more prominent did not raise Highway Authority objection as it was considered that the signage would not affect the safety or operation of the highway and no other concerns were

raised in respect of public safety. No objections are expected for this reduced scheme of advertisement.

The majority of the proposed signs would be located alongside the junction of St Johns Street and South Street. The Highway Authority did not previously 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

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.

It has also been suggested in third party comments that the signs may fall and cause harm to the public. However, this would be a private matter which cannot justify planning refusal.

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 Planning Policy 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.

13 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:

Location plan 1:1250 (10085HY-PLOC)
External signage plan signs on hoarding (CRL: 10085HY:218 rev C)
Sign on hoarding (Job no NH16703) Run A
Sign on hoarding (Job no NH16703) Run B
Signs on hoarding (Job no NH16703) Run C
Signs on hoarding (Job no NH16703) Run D

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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PLANNING COMMITTEE

May 2020

Hubert Lodge
2 South Street
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20/10139

Scale 1:1250

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

