

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

11 SEPTEMBER 2013

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

13/1777/ADV

Morley Carr, Allerton Balk, Yarm

Retrospective Application for the erection of 2no. non-illuminated fascia signs

Expiry Date 19 September 2013

SUMMARY

Retrospective approval is sought for the erection to 2No. advertisement boards located within the north-east and north-west corners of the application site. The signs are located adjacent to the highway in order to promote the recently approved development of the site under planning reference 12/0980/OUT for outline planning consent, with all matters reserved save for means of access, for residential development, community hall, public open space, outdoor recreational facilities and associated access arrangements and landscaping.

Fifteen objections have been received from neighbouring residents largely on the grounds that the signage has been erected without permission resulting in a distraction to drivers and impact upon highway safety. Objectors also state that the proposal will result in a detrimental impact upon the openness of the countryside, devalue properties and attract anti-social behaviour.

Paragraph 67 of the NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Therefore only the impact upon the amenity of neighbouring land users, the impact upon the character of the surrounding area and the implications for highway safety are relevant when assessing this application.

The Head of Technical Services has raised no objections in terms of visual impact or highway safety. Taking into account the principle of residential development has been approved for the site and given the distance to neighbouring residential properties, the signs are considered to be of an appropriate scale and design and will be viewed against the existing boundary treatments which consist of a mature hedgerow. As such the signs are considered to in accordance with policy CS3 of the adopted Core Strategy. Given the temporary nature of the signs the application is recommended for approval subject to a condition limiting the consent to a period of two years from the date of the decision.

RECOMMENDATION

That advertisement consent 13/1777/ADV be Approved subject to the following conditions and informatives

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
MCF:Y:SD	18 July 2013
MCF:Y:ADV	18 July 2013

Reason: To define the consent.

02. The advertisement signs hereby permitted shall be removed and the land reinstated to its former condition, within two years of the date of this decision notice unless a further approval has been obtained from the Local Planning Authority.

Reason: The advertisement signs are not considered suitable for permanent retention on this site.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority have implemented the requirements of the NPPF.

BACKGROUND

1. Outline planning consent, with all matters reserved save for means of access for residential development, community hall, public open space, outdoor recreational facilities and associated access arrangements and landscaping (planning reference 12/0980/OUT) was approved in October 2012 .

SITE AND SURROUNDINGS

2. The Morley Carr Farm site consists of a farmhouse with agricultural buildings and open arable fields. The previous approval at the site for residential development, community hall, public open space, outdoor recreational facilities, associated access arrangements and landscaping relates to a 22 hectare site immediately to the west of the defined urban area of Yarm.
3. The signs to which this application relates are located within the north east and south east corners of the site adjacent to the B1265 (Allerton Balk). The area to the east of the signs is predominantly residential in nature comprising of a mix of semi-detached and detached dwelling houses and bungalows.

PROPOSAL

4. Retrospective approval is sought for the erection of 2No. non-illuminated fascia signs to promote the recently approved development of the site. The signs are situated towards the boundary of the site adjacent to the mature boundary hedge which encloses the currently agricultural field.
5. The signs are located at the north east corner of the field adjacent to Allerton Balk and within the south east corner adjacent to the junction of Allerton Balk and Green Lane.

CONSULTATIONS

6. The following Consultees were notified and comments received are set out below:-

Head of Technical Services

7. General Summary

Subject to the comments below the Head of Technical Services raises no objections.

8. Highways Comments

The signs are not within the adopted highway and there have been no recorded injury accidents in the last 3 years on Allerton Balk or at its junction with Green Lane. Having consulted with Network Safety it is considered that the signs will not create a distraction to drivers or be detrimental to highway safety.

9. Landscape & Visual Comments

There are no landscape or visual objections.

Cleveland Police

Crime Prevention Design Advisor

10. Have no comments

PUBLICITY

Neighbours were notified and comments received are set out below:-

11. Mrs H E Aitkin

Grey Close Worsall Road
(Summarised)

I object to the extremely large advertisement signs which have been erected at Morley Carr Farm. They are extremely distracting for drivers and the bend adjacent to my property is already notorious for accidents. Private traders are denied the use of roadside notices for the businesses and this is surely another example of one rule for developers and another for individuals. The signs are very close to the road and are surely a health and safety. The issue of further houses at this site surely doesn't require further publicity.

12. Mr Christopher Neil

Field House Worsall Road

Is this the way Taylor Wimpey intend to operate.

Firstly they railroad SBC into approving the application for the development and then they take the Planning Law into their own hands and erect these signs knowing that Planning Consent is required.

No doubt SBC will once again roll over and allow the signs to stay.

SBC Planners are a disgrace.

Any other individual would have been forced to take the signs down.

13. Mr Terry Murphy

23 Millbank Lane Thornaby

For such an organisation that really should know better to erect a sign then apply for permission is an insult to the injury felt by many residents in the area.

Shame on Taylor Wimpey.

14. Mrs Leslie Horner

26 Carew Close Yarm

I object to the erection of two signs which are in a dangerous location and have been erected prior to receiving planning permission.

Is this the way that Taylor Wimpey carry out their business

SBC should have the signs removed immediately and not wait for the application to be determined.

Also what will happen if Taylor Wimpey do commence building the houses , which were approved to the dismay of Yarm residents.

It is about time SBC took notice of the wishes of Yarm residents

15. Mr Peter Horner
26 Carew Close Yarm
I OBJECT TO THE TWO SIGNS.

The two signs erected on the 15 July 2013 without planning permission should be removed immediately.

Taylor Wimpey are now receiving free advertising without having planning permission.

Is this an indication of what lies in the future if and when they start building.

SBC are a disgrace in letting these signs to be displayed before Planning is granted.

Any individuals would be forced to remove the signs.

As Yarm residents know SBC are not interested in what happens to the South of the Borough.

PLEASE HAVE THESE SIGNS REMOVED

16. Mr John Darbyshire
32 Carew Close Yarm
i wish to object to these signs, the one on Allerton balk is going to cause an accident, the signs should never have been put up in the first place , Taylor Wimpey the builder knew planning permission was needed ,if this is how they intend to treat the site before the first brick has been laid, i wonder what other short cuts will be taken, please have these signs removed now
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17. Ms Christine Franklin
21 Hird Road Yarm
These signs were put up without planning permission. They are a distraction to drivers and could be the cause of accidents. They detract from the openness of the fields and could attract vandals and graffiti. If the developers feel they can erect signs without permission, what else will they try to get away with?
18. Mr Jonathan Horner
26 Carew Close Yarm
I am objecting to the Taylor Wimpey signs that have been erected. Due to the lack of planning permission and the fact that the signs have been crudely constructed, resulting in a complete eye sore and a major distraction to motorists.

The signs have already left a hideously indelible mark on MCF land which is soon to be decimated with the construction of yet more housing. The signs are nothing more than a ominous harbinger of the concrete jungle that will soon consume yet another part of our dwindling great British countryside and destroy a once idyllic view that residents often enjoy.

19. Miss Laura Emma Stubbs
3 Sefton Way Yarm

The very fact that SBC has not taken action against TW for erecting these signs. These should be removed so we can enjoy our last year of views. The last development that happened round here again was an oversized sign which we were stuck with having to look at day in day out for 2-3 years as they struggled to sell the houses.

The signs should be removed as they were erected without planning permission.

20. Mrs Marjorie Simpson
15 Mayes Walk Yarm

These boards are totally inappropriate causing an unsightly intrusion on our landscape. It is rather ironic that this developer promised the people of Yarm land for a cemetery and now they have reneged on this promise or cannot as they are of the opinion that no one would want to live next to a cemetery. WE have news for him no one wants to live next to land where he has elected to place his boards yet many people will have to and have their properties devalued into the bargain.

21. Ms Sandra Mcleavy
32 Carew Close Yarm

these signs should be taken down, no planning permission has been granted, Taylor Wimpey are aware you need to apply for planning permission, if this is the way they carry on before building the houses, what other short cuts are going to be taken, remember this site should have been taken out of SHLAA but yet again SBC made the mistake and the people of this estate will be living on a time bomb, 3 metres from a gas pipe that has already exploded once

22. Mr David Barras
36 Carew Close Yarm

These signs are likely to distract traffic proceeding to or from Yarm via Allerton Balk as they are not properly illuminated and pre-date detailed planning being granted.

These signs have been erected on the assumption that detailed planning permission still undergoing due process will be granted. This assumption on behalf of Taylor Wimpey is an overt attempt to subvert the planning process and should lead to their detailed plans being refused until such time as they can adhere to the appropriate planning application rules.

Residents views have been consistently ignored by both Stockton Borough Council planning officers and Taylor Wimpey in the case of the Morley Carr Farm development which is in my view undemocratic.

23. Mr Philip Boyes
6 Knaith Close Yarm

These signs are too large and are positioned where they would distract drivers leading to accidents. In addition both the slogan displayed, and that planning was not sought prior to erection demonstrate the level of respect the developer has for SBC, and the people of Yarm. The vast majority of who objected to this development on entirely reasonable grounds.

24. Owner/Occupier
32 Atherton Way Yarm
(summarised)

This notice has been put on land for 850 houses. It is on a dangerous bend and should be moved. It is only a country road. The notice should be moved away from the bend. Further into the field would still be noticeable.

25. Mrs Carolyn Casey
9 Kingsdale Close Yarm

These signs, particularly the one on Allerton Balk, are a danger to drivers and the general public as they are a distraction to drivers on an already dangerous road. As such they should be removed until the retrospective application is considered. The developer has many years' experience of planning issues and would know that permission was required before the signs were erected but went ahead anyway. Clearly they believe they have Stockton in their pocket and the views of the public do not matter.

PLANNING POLICY

26. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

27. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

28. The following planning policies are considered to be relevant to the consideration of this application:-

29. National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
-specific policies in this Framework indicate development should be restricted.

30. Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing

features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

MATERIAL PLANNING CONSIDERATIONS

31. Paragraph 67 of the NPPF states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. As such, the sole issues for consideration when assessing this application are the impact upon the amenity of neighbouring land users, implications for highway safety and the impact upon the character of the surrounding area.
32. Fifteen objections have been received largely on the grounds that the signage are located upon a prominent corner plot causing a distraction to drivers resulting in health and safety concerns and increased risk of accidents. Objectors also state that the signs detract from the openness of the area and attract vandalism and graffiti.
33. Concerns are raised that the retrospective nature of the application shows the applicants disregard for the planning system and objectors have requested that signs are removed until the application is determined. However retrospective planning applications can be lawfully submitted to the Local planning authority for consideration in order to regularise an existing situation where development has taken place. As such it is considered that it would not have been reasonable to require removal of the signs until the merits of the application have been considered given the planning history of the site.
34. Objectors also state that the development results in a devaluation of property. This is not a material planning consideration and cannot be considered when assessing this application.

Amenity of neighbouring properties

35. As Members will be aware from their decision to approve outline planning permission for residential development on the site, the character and appearance will change significantly when the site is developed
36. The closest existing residential property to the sign towards the north east of the site is approximately 25 metres from the location of the sign. Furthermore the separation distance to the closest residential property to the sign towards the north west of the site is approximately 34 metres. The maximum height of the signs is 4.5 metres therefore taking into account the scale of the signs and distance from residential properties it is not considered that the development has a significant detrimental impact upon the amenity of the residential properties to the east of the application site.
37. Concerns that the proposed signage will attract vandals and result in graffiti are noted and policy CS3 (8) states that proposals should be designed with safety in mind incorporating secure by design standards where appropriate. This predominantly relates to the layout of development however the location of the signs allows for natural surveillance and given the temporary nature of the signs a condition is recommended limiting the consent to a period of two years from the date of the decision. The Crime Prevention Design Advisor has raised

no comments with regard to the signs. As such it is not considered that these concerns should be attributed any significant weight.

Character of the surrounding area

38. The Council's Landscape Architects have raised no landscape or visual concerns regarding the development. Concerns from objectors regarding the impact upon the openness are noted however the signs are located towards the edge the field which has recently received permission for a residential development. Furthermore the signs are located adjacent to the existing mature boundary hedge, as such it is considered that the presence of the grass verge and hedge adjacent to the highway softens the appearance of the signs. There is also existing street furniture such as telegraph poles and highway signage within the vicinity of the signs to which this application relates. The purpose of the signs is to promote the recently approved development on the site (planning reference 12/0980/OUT). The scale and design of the signs are considered to be appropriate and given the temporary nature of the signs a condition is recommended limiting the consent to a period of two years from the date of the decision. Therefore it is not considered that the signs appear unduly dominant or result in a detrimental impact upon the character or appearance of the surrounding area. As such the proposal accords with policy CS3 of the adopted Core Strategy and paragraph 67 of the NPPF.

Highway safety

39. The signs are not within the adopted highway. The Head of Technical Services considers that the signs will not create a distraction to drivers or be detrimental to highway safety.

CONCLUSION

40. It is recommended that advertisement consent be Approved with Conditions subject to the above reasons and informatives.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Helen Heward Telephone No 01642 526063**

WARD AND WARD COUNCILLORS

**Ward Yarm
Ward Councillor Councillor A B L Sherris**

**Ward Yarm
Ward Councillor Councillor Mark Chatburn**

**Ward Yarm
Ward Councillor Councillor Ben Houchen**

IMPLICATIONS

Financial Implications: as report

Legal Implications: as report

Environmental Implications: as report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on residential properties, occupiers, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Within this report consideration has been given to implications in respect of community safety including the impact of traffic and transport.