

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

20th March 2019

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

18/2565/ADV

**Land North Of Myton Park Primary School, Blair Avenue, Ingleby Barwick
Advertisement consent for 3no. internally illuminated fascia signs, 5no. externally
illuminated hoarding signs, 1no. non-illuminated hoarding sign and 1no. internally
illuminated flag pole sign.**

Expiry Date 25 March 2019

SUMMARY

The application site is an area of undeveloped land which currently benefits from extant planning permission for the development of 40.no apartments with associated communal facilities (ref 15/2431/FUL.) situated to the North off Blair Avenue. The Site falls outside of the defined Local Centre, but is within the defined development limits. The surrounding area contains a mix of uses which include commercial, educational and residential premises, to the north, east and south. The western boundary is formed by a further area of grassed mound with trees.

This advertisement application seeks consent for 3no. internally illuminated fascia signs, 5no. externally illuminated hoarding signs, 1no. non-illuminated hoarding sign and 1no. internally illuminated flag pole sign. The adverts relate directly to a separate planning application (ref 18/2403/FUL) for the erection of a new food store (Use Class A1) for the discount retailer Lidl. The associated works will include the provision of parking spaces and landscaping. The building will extend to 2,205 sq. metres gross external area (GEA), with a net sales area of 1,325 sq. metres., the supporting information indicates that approximately 20% of the floor space (or 265 sq.m) will be for comparison goods.

A total of six letters of objections have been received, including the Parish Council. The main, material reasons, given for the objections are the potential impact on highway safety, amenity of the area and amenity of neighbouring properties.

Following the receipt of the revised plans, the Environment Health Unit and Highways Transport and Design Manager has raised no objections to the proposed advertisement. The proposed development is considered to be acceptable.

An additional consultation with neighbouring residents has also been undertaken and this will not expire until the 21st March 2019, therefore the recommendation is secure members agreement and delegate the final decision to Officers subject to no significant new issues being raised.

RECOMMENDATION

That advertisement consent 18/2565/ADV be delegated to the Planning Development Services Manager for approval subject to the conditions and informative below and

provided that no significant new issues are raised following the expiry of the consultation period.

- 01 **Approved plans;**
The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date on Plan
07381-SPACE-00-XX-DR-A-99-0001-S3-P8	06 March 2019
R-2104-1D	06 March 2019
07381-SPACE-00-00-DR-A-01-0002-S3-P3	06 March 2019
07381-SPACE-00-XX-DR-A-91-0003-S3-P2.	22 February 2019

Reason: To define the consent.

- 02 **Standard Advertisement Controls;**
Any advertisement 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.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

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.

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.

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).

Reason: Standard Conditions imposed by the Regulations

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Lighting

The applicant must ensure that all lighting is angled/shield to prevent glare onto the highway.

BACKGROUND

1. 18/2403/FUL Application for the erection of food store with associated car parking and landscaping. Pending Consideration.

SITE AND SURROUNDINGS

2. The application site is located close to the centre of Ingleby Barwick and is at present fenced adjacent to Blair Avenue. The site contains a raised mound within it which is currently overgrown and laid to grass/scrub and measures approximately 0.84 hectares.
3. To the north lies the ongoing development site of 'The Rings' and housing will be built in this area. To the east lies the Roseville Nursing Home site, to the west remains a further area of grassed mound with trees and the residential properties of Snowdon Grove and Rowen Close beyond that. Immediately to the South lies Blair Avenue with All Saints Secondary School, the Myton Park Primary School and the new Ingleby Barwick Leisure Centre which is currently under construction.
4. The group of trees to the west are covered by a Tree Preservation Order (TPO) No. 00.8.5.758 (which was confirmed on the 27 May 2011), a relatively mature hedge also runs along the northern boundary.

PROPOSAL

5. Advertisement consent for 3no. internally illuminated fascia signs, 5no. externally illuminated hoarding signs, 1no. non-illuminated hoarding sign and 1no. internally illuminated flag pole sign.
6. The layout of the flagpole sign was relocated to the south eastern boundary following concern over the position on the access.

CONSULTATIONS (in summary)

7. The following Consultations were notified and any comments received are set out below:-

Highways Transport & Design Manager

General Summary

The Highways Transport and Design Manager raises no objections to the application.

Highways Comments

The proposed signs do not affect visibility, and the proposed luminance levels are acceptable.

Informative: The applicant must ensure that all external lighting is angled/shielded to prevent glare onto the highway.

Landscape & Visual Comments

The proposed signage is acceptable following relocation of the flagpole sign to the south east corner of the plot as requested. The Highways Transport and Design Manager raises no objections to the proposals.

Environmental Health Unit

I have checked the documentation provided and have found no grounds for objection in principle to the development and do not think that conditions need to be imposed from an Environmental Health perspective.

Councillors

At the time of writing no written representations have been received.

Parish Council

Ingleby Barwick Town Council strongly object to this application and believe it to be premature in light of the fact that the application for the Lidl store building has not yet been approved.

Further to this, councillors believe the lit signs will be a distraction for motorists which could lead to serious accidents.

The site is next to an old people's home and close to a major junction with a school, leisure centre and a major superstore all of which attract a great deal of traffic.

To agree to this application would set a precedent for other developers.

PUBLICITY

8. Neighbours were notified and comments received are set out below:

Mrs Sandra MacGregor 10 Rowen Close Ingleby Barwick

Objects to the principle of the development and these comments have been included within the report ref 18/2403/FUL. The comments which relate to the advertisement application have been included below;

Illuminated signs close to residential homes is not acceptable

D Pearson 5 Rothbury Close Ingleby Barwick

The full comments are available on the public access although a summary has been provided below;

Signs will create a road safety issue.

The illumination would create an unacceptable hue close to amenities.

Amenity of surrounding sites would be impacted.

Elisabeth J Lee Myton Park Primary School Blair Avenue

Objects to the principle of the development and these comments have been included within the report ref 18/2403/FUL. The comments which relate to the advertisement application have been included below;

The erection of large signs will only work to compound an already busy environment, cause possible distraction to drivers when there are a large number of school children crossing and moving into and out of school.

Mr Douglas Reid 8 Rowen Close Ingleby Barwick

Objects to the principle of the development and these comments have been included within the report ref 18/2403/FUL. The comments which relate to the advertisement application have been included below;

I would like to register my objection to this application. It seems unusual that Lidl have to submit for advertising signs in advance of getting planning permission for the building of the store. Can we assume that planning is already a done deal?!

Mrs Judith Ankers 3 Rowen Close Ingleby Barwick

Objects to the principle of the development and these comments have been included within the report ref 18/2403/FUL. The comments which relate to the advertisement application have been included below;

In terms of signage/advertising, I am extremely concerned about the concentration of drivers, particularly as this development will be opposite two schools, one a primary school and a secondary school. The aim of advertising is to create awareness and attract attention and it is important particularly on that stretch of road that people are focused on what is actually very important - the safety of children/adults and not focused on what deals are available/or attracted by the signage.

Mr Ian Wanless

7 Snowdon Grove Ingleby Barwick

Objects to the principle of the development and these comments have been included within the report ref 18/2403/FUL. The comments which relate to the advertisement application have been included below;

Illuminated signs so close to residential homes is simply not acceptable. They will devalue property in the area, who wants illuminated signs lighting up their children's bedrooms? They are also not fitting with a residential area.

The illuminated signs (including a 6m high flag pole style sign...) are designed to attract attention, attention that should be focussed on the busy road and hundreds of school children crossing it every day.

PLANNING POLICY

9. 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 Stockton on Tees Borough Council Local Plan 2019.
10. Section 143 of the Localism Act came into force on the 15 January 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 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.

National Planning Policy Framework

11. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
12. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11) which for decision making means;
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Para 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 132 The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Local Planning Policy

13. The following planning policies are considered to be relevant to the consideration of this application.

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

Shop Front Design and Advertisements Supplementary Planning Document (SPG1, 2013)

7. Advertisements

7.1 Advertisements have a clear purpose and play an important role in attracting custom, providing information and giving direction. Whilst it is recognised that they can add colour and vitality to shopping areas where they are designed and located sensitively, advertisers need to be aware that insensitively sited or over large signs can have the opposite effect and spoil the appearance or character of a building and its surroundings. Equally too many signs can create clutter harming a buildings character and external appearance as well as defeating their main purpose - to provide clear information and advertising.

7.2 Advertisements do not always require advertisement consent further advice on this matter for further advice please contact the Council's Planning Department. Contact details can also be found at the end of this document.

7.3 Those adverts that do require advertisement consent can only be controlled in respect of 'amenity' and 'public safety' as set out in the National Planning Policy Framework (NPPF). In considering 'amenity' regard is given to its effect on the appearance of the building and the surrounding area (in terms of scale, appearance, cluttered environment and restrictions on important views). In terms of a signs impact on 'public safety' consideration is given to the safe use of any form of transport, highway network and pedestrians

MATERIAL PLANNING CONSIDERATIONS

14. Paragraph 132 of the National Planning Policy Framework states 'advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. Therefore the main considerations when assessing this application are the impacts on amenity of the surrounding area and implications for highway and pedestrian safety.

Amenity

15. The Site has a pending application for the erection of a new food store, the advertisement application relates to the proposed development.

16. The Site is within the defined development limits and visually connects to the mixed use of residential, commercial and educational development to the south which has a mix of advertisements in the immediate area on other commercial properties.

17. The scale and form of the signs, which for the most part are predominantly affixed to the building are the area immediately surrounding the proposed store are considered to be in keeping with the form an appearance of the proposed food store within the context of the wider area.

18. The proposals are therefore not considered to raise any issues in respect of amenity of the existing unit or the wider street scene and due to the scale of the proposal is not considered to give rise to any adverse impact in respect of the views from off site along Blair Avenue or wider public vantage points.

19. The scale and form of the signs will not be incongruous and are considered to be in keeping with the scale of the Site and proposed development.

20. The Environmental Health Unit and the Highways Transport and Design Manager has raised no objection on amenity grounds.

21. The proposals are therefore considered to accord with policy SD8 and the guidance of the SPD in these respects.

Highway Safety

22. A number of objections have raised concern over the proposed siting/ principle of the advertisements in terms of highway safety.

23. Following concerns raised over the position of the Flag Pole at the entrance to the store by the Highways Transport and Design Manager, the Flag Pole was relocated to the south eastern corner of the Site. The Highways Transport and Design Manger has subsequently raise no objection to the proposed development on highway safety grounds.

24. The Highways Transport and Design Manager has confirmed that following receipt of the revised plans no objections area raised. The proposed application is therefore considered to be acceptable with regards to pedestrian and highway safety.

Residual Matters

25. A number of objectors considered the submission of the advertisement application to be premature. There is no requirement within Policy or Legislation to wait to approval of the planning permission for the development of which the advertisement is to relate. The timing of an application is not a reason to refuse an application.

CONCLUSION

26. It is recommended that advertisement consent be granted with Conditions for the reasons specified above

Director of Economic Growth and Development
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West

Ward Councillor Councillor Ken Dixon

Ward Councillor Councillor Ross Patterson

Ward Councillor Councillor David Harrington

IMPLICATIONS:

Environmental Implications:

The proposal relates to the erection of advertisements associated with the creation of a new food store and its visual impacts, along with matters relating to traffic safety and amenity are considered and addressed within the report and are considered limited

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

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

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD7 - Shop Front and Advertisement Design Guide