

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
10 January 2024  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**23/1709/ADV**

**Land Off St Martins Way, Kirklevington,**

**Retrospective advertisement consent for 3no non illuminated flag/flagpoles, 1no non illuminated fascia signs, 4no non illuminated leader board signs, 11no non illuminated wall signs, 1no internally illuminated monolith sign and 1no non illuminated double sided hoarding sign**

**Expiry Date: 12 January 2023**

**SUMMARY**

As members will recall the application was deferred at last Committee with a request for Taylor Wimpey to remove the flag and pole nearest to 1 Moor Close, Kirklevington.

Taylor Wimpey have agreed to this request and the flag and pole was removed on the 13 December 2023.

No further consultations have been undertaken given this is a reduction in the scheme and the comments included in this report are for the original scheme.

**RECOMMENDATION**

**That advertisement consent 23/1709/ADV be Approved with Conditions subject to the following conditions and informatives**

**01 Approved Plans**

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

<b>Plan Reference Number</b>	<b>Date Received</b>
23016:SA REV H	12 December 2023
SBC0001	3 October 2023

Reason: To define the consent.

**02 Temporary Consent**

The signage hereby approved shall be removed on or before the 11 August 2026 or on completion of the final house sale whichever is the sooner.

Reason: The signage is not suitable for permanent retention on the site.

**03 Lighting to the monolith sign**

The monolith sign shall not be illuminated outside the hours of 10.00 am - 05.30pm Monday to Sunday.

Reason: In the interests of residential amenity for the local residents.

**03 Standard Condition**

Any advertisement displayed, and any site used for the display of advertisements shall be;

- a) Maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- c) 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.
- d) 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.
- e) 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 and 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 found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

### **BACKGROUND**

1. Planning permission has been granted for residential development at the site and work has commenced.
2. Under application 22/1435/ADV, advertisement consent was granted for the following signage at the site
  - 3 flags & poles situated to the west of plot 2
  - 1 tri-stack sign to the entrance of the site (4 metres in height);
  - 1 monolith sign in front of plot 2 (4 metres in height)
  - 1 gable end sign to the on the western wall of plot 2 (5 metres x 1.2 metres high)
  - 1 leader board sign to the entrance of the car park (1 metres x 1.35 metres high)
  - 3 wall signs to the north of the car park (1.5 metres x 3 metre)
3. The applicant did not erect the signage as approved and the scheme as submitted is to rectify this and obtain the consent for the scheme as installed, now with one flag and pole removed

### **SITE AND SURROUNDINGS**

4. The application site is an active residential development site located off St Martins Way in Kirklevington.
5. 1-7 St Martins Way are directly to the east of the site. 71A Forest Lane and 5-8 Westlands are to the north. Knowles Farm is to the west and open fields are to the south.

### **PROPOSAL**

6. Following removal of the flag and pole, retrospective consent is now sought for the following
  - 3no non illuminated flag/flagpoles generally located to the front and side of the show houses, extending to 6 metres in height
  - 1no non illuminated fascia signs to the front of plot 2
  - 4no non illuminated leader board signs, one to the front of plot 1 and three in the car park

- 11 no non illuminated wall / fence signs which 8 are around the open space, 2 on the car park and one on the railings in front of the show home
  - 1 no internally illuminated monolith sign outside Plot 2
  - 1 no non illuminated double sided hoarding sign at the entrance of the site
7. It should be noted that a revised plan has been submitted clearly marking the position of the signs (description said 10 wall signs but the plan and on site were 11 wall signs) and the description and plan showed a 2 fascia signs, whereas there is only one (and not the one on the side of plot 2). In addition it was clarified that the monolith sign was internally illuminated. The plan was amended, and the description altered but there was no need to reconsult as it is clear that the applicant is applying to rectify the signage which can already be seen on site.
8. In addition, the revised plan received showing the removal of the flag and pole has not been reconsulted upon given it's a reduction in the scheme.

## **CONSULTATIONS**

9. Consultees were notified and the following comments were received.
10. Highways Transport & Design Manager  
General Summary: The Highways, Transport and Design Manager has no objection to this application.  
Highways Comments: There are no highway objections to the various signs.
11. Kirklevington And Castle Leavington Parish Council  
Object to this application for the following reasons  
We are very disappointed that we, as the parish council for kirklevington, were not informed of this application. We would have expected to be informed automatically and not to have found out by other means - second hand  
As a retrospective application we find it unbelievable that Taylor Wimpey now want to make an application for work that has already been carried out but has not been approved by SBC. Planning application 22/1435/adv clearly did not approve the already erected signage and the work carried out it did not conform to the approved application. Taylor Wimpey are already aware of the issues caused by the flags to residents which is unacceptable.  
Flags are extremely noisy when it is windy as has been the case during the recent storms. Flags flapping and metal on metal noises even in light winds. The flags to the front of the show houses sit east to west so are guaranteed to be blown around. Kirklevington historically has always been windy and the noise 24/7 is unbelievably disturbing to residents and can be heard some considerable distance away from the site. They are not necessary with plenty of hoardings visible to all approaching and entering the site from St. Martins way.  
We find it unbelievable that so many flag poles are necessary on a development that is within existing residential homes and not visible from any main roads.  
Any prospective viewers to the site who manage to drive as far as St. Martins way cannot but notice the large blue hoarding notice at the entrance to the site at the end of St martins way resulting in them having reached their destination  
Please organise to remove the flags as soon as possible as a matter of urgency.
- 11 Environmental Health Team  
I have checked the documentation provided, have found no grounds for objection to the principle of this development and do not think that conditions need to be imposed from an Environmental Health perspective. I am aware that the flag poles are metal, and the brackets are metal, which are standard materials, and they can clang in gusty winds. however, given the distance to the residential properties, the construction of the building's envelope and the temporary nature of the advertisements, I do not believe that there are any suggestions, recommendations or conditions that will improve the situation in a Environmental Health point of view

## **PUBLICITY**

12. Neighbours were notified and 6 letters of objection were received with the main objections summarised below. The full details of the objections can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>
  - The flags and associated signs are unnecessary visual clutter
  - Flags too close to existing properties.
  - The developers should stick to the original plan.
  - Retrospective applications attempts to make a mockery of the entire process.
  - Flags are very noisy with the flapping of the flags and on a windy night the sound of metal hitting metal is very loud and can be heard indoors.
  - Need for the signs - Nobody visiting the Taylor Wimpey developments can see the flags until they are outside the development. The purpose is generally to attract passing traffic on new developments.
  - Illuminations may be so bright they will be lit up on a night with the light coming through and round the curtains making it difficult to sleep.

## **PLANNING POLICY**

13. 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.
14. 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.
15. National Planning Policy Framework

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.

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 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.

**Paragraph 141** 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.

16. Local Planning Policy

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

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

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.

17. 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**

18. Paragraph 141 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

19. The NPPF Guidance confirms that “Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, however it includes aural and visual amenity and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
20. So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural, or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
21. The signage is generally located at the entrance to the site which has been given permission for residential development and work is ongoing.
22. The signs are not generally visible outwith the site. Whilst need is questioned, and comments confirm they are not highly visible this is not a matter for the planning authority other than whether the signage will impact on amenity Taking each sign in turn;
23. Sign type 1 are the flags and flagpoles. It should also be noted that where the aggregate number of houses on that land exceeds 10 but does not exceed 100, two flags and flag poles (subject to certain height criteria) could be erected without advertisement consent and the Local Planning Authority would have no control over the siting.
24. Following the removal of the flagpole nearest to 1 Moor Close, there are now three flagpoles - one to the front of the sales area and two to the side adjacent to the car park. The flags are affixed to the pole by a solid metal bar and fabric ties and the material of the flags is a lightweight polyester type fabric and not a heavy plastic which is usually more noise intrusive. As the flags are fixed to a long metal bar at the top, it minimises flapping and noise and there is only one small metal attachment at the base of the flag thereby reducing the potential for the metal to hit the pole and create noise. The flags are fairly lightweight and given the distance to the nearest property it is not considered that the noise would be so significant to warrant refusal of the application Should noise become a nuisance this could be controlled by relevant environmental legislation.
25. The double-sided sign (sign type 2) is located as you enter the development and whilst it can be seen from St Martins Way the site is in place of a previously approved three-sided sign of a similar scale and is considered acceptable. The sign is generally what you would see at development sites of this nature, and it is not considered the sign or its position would have an adverse impact on public amenity.
26. Sign type 3, which is the monolith sign, has been moved further into the site than the previous approval and it is this sign that is internally illuminated. The sign will only be illuminated when the sales office is open which will not be outside the hours of 10am – 530am and a condition has been recommended to ensure these times are not exceed. It is considered that with the hours of luminance controlled that the sign will not have a significant impact on public amenity.
27. Sign type 4 is a fascia sign on the front of Plot 2 (the sales office) and is what you would expect at residential development sites. It is a non-illuminated fascia sign identifying the sales office and will not have an adverse impact on public amenity.

28. Sign type 5 is identified as “leader board signs” and they are not highly visible, standing less than 1.5 metres high. One sign is as you leave the site outside plot 1 and the other three signs are in the car park indicating visitor parking, which is screened from the outside of the site by Plot 2. These signs do not impact on public amenity.
29. Sign type 6 are the wall/fence signs. It should be noted that eight of the signs are around the open space affixed to the new close boarded fence. Should they be affixed to ‘hoardings’ which are normally around building sites they would not require advertisement consent, however as these are on a fence, they need permission. Nonetheless they are evenly spaced and of a good quality and do not impact outwith the site. There are another two signs on the fence at the car park and the fence at the front of the sales area. It is not considered that these signs have such an adverse impact on public amenity to warrant refusal of the application.
30. Taking into account the cumulative nature of the signage it is acknowledged that there are a lot of signs, however they are not largely visible from outside the site, and it is not considered that they have such a significant adverse impact on public amenity to warrant refusal of the application.
31. The proposals are therefore considered to accord with Policy SD8 and the SPD guidance in this respect.

#### Highway Safety

32. In terms of highway safety, no objections have been received and so the scheme is considered to be acceptable with regards to pedestrian and highway safety.
33. The signage is temporary in nature and a condition has been recommended to ensure the removal which is in line with the length of time the applicant has sought or the final sale whichever is the sooner.

#### Other Matters

34. Comments regarding consultation are noted, however the parish Councils do not generally get consulted on signage application and are picked up from the weekly list of applications as is the case here. Consultations have been undertaken in accordance with normal procedures.

### **CONCLUSION**

35. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Elaine Atkinson Telephone No 01642 526062**

#### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Southern Villages</b>
<b>Ward Councillor</b>	<b>Councillor Elsi Hampton</b>

### **IMPLICATIONS**

**Financial Implications:** None

**Environmental Implications:** See 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.

**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

**Background Papers**

National Planning Policy Framework

Stockton on Tees Local Plan Adopted 2019

SPD7 – Shop Front and Advertisement Design Guide - Nov 2013