

**ITEM 3**

**1 X HOARDING SIGN AT LAND ADJACENT SEDGEMOOR CLOSE AND WEST OF LOUNDSLEY GREEN ROAD, CHESTERFIELD, DERBYSHIRE FOR STRATA HOMES**

Local Plan: Unallocated

Ward: Linacre

Committee Date: 21<sup>st</sup> August 2023

**1.0 CONSULTATION RESPONSES**

Ward Members: Comments received from Councillors Baldauf-Good, Staton and Brock – see report.

Local Highways Authority: No highway safety objections.

Tree Officer: Welcomes the amendment as this will not affect the woodland edge of Ashgate Plantation.

Representations: None received.

**2.0 THE SITE**

2.1 The site subject of this application has planning permission for 15 dwellings however construction has yet to start. It is adjacent to Loundsley Green Road. The site is fenced off to the frontage with Herras fencing with hedging and trees along the northern boundary of the field adjacent to a public footpath. Ashgate plantation lies to the south and west.

Photographs of the site:



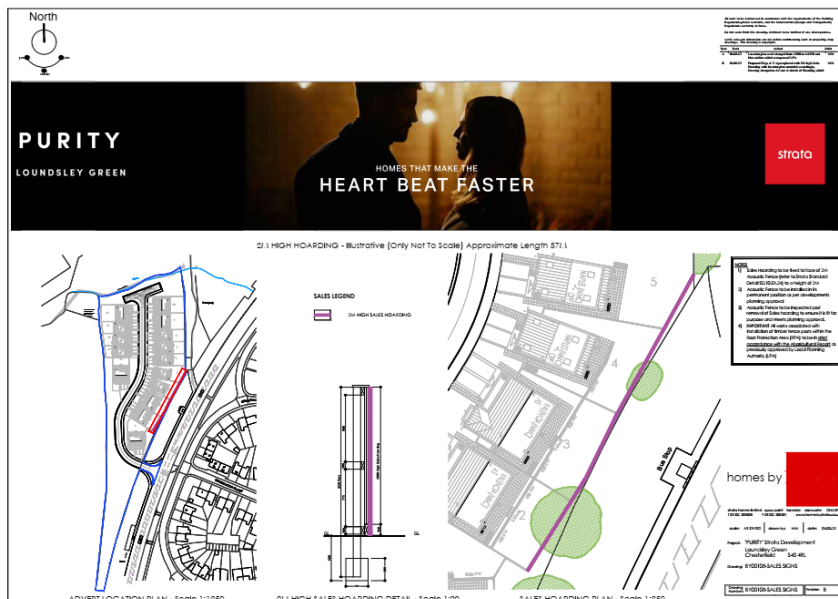


### 3.0 SITE HISTORY

- 3.1 CHE/22/00101/ADV – Free standing advertisement sign – Approved 21.04.2022.
- 3.2 CHE/21/00879/FUL - Residential development of 15 dwellings with access, landscaping and associated works – Approved 16.06.2023.

### 4.0 THE PROPOSAL

- 4.1 Advertisement consent is sought for a hoarding sign to be positioned on the 2m high acoustic fence which has been approved as part of the housing planning permission. It would be constructed from plastic and chipboard with dimensions of 2m high, 57m wide and 0.3m in depth. It would have a black background with white Strata logo and informative imagery.



4.2 The application was originally submitted proposing a 3m x 3m sign board with 3 flag poles further to the south adjacent to the Ashgate Plantation, which was in close proximity to protected trees. For this reason the applicant amended the application to the current proposal

## **5.0 PLANNING POLICY**

5.1.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 are the relevant powers under which the Local Planning Authority must determine applications for Advertising Consent. Section 3 of the regulations requires that a local planning authority shall exercise its powers in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

5.1.2 Having regard to the nature of the application proposals, advice contained in paragraph 136 of the National Planning Policy Framework (2021) applies which states that, '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.'

## **5.2 Other Relevant Policy and Documents**

- National Planning Policy Framework (NPPF) 2021
- Supplementary Planning Document "Advertisement" (adopted May 2007)

## **6.0 CONSIDERATIONS**

6.1 Advertisements are considered in relation to amenity (including the visual appearance and the amenity of neighbours) and public safety only.

## **6.2 Amenity**

6.2.1 The site has planning permission for 15 dwellings and the proposed signage directly relates to that development. A 2-metre-high acoustic fence is part of the planning permission which would form the rear boundary of several properties facing toward Loundsley Green Road. The proposed sign would be attached to this fence. Although the length of the proposed hoarding sign would be 57 metres, it would be set back from Loundsley Green Road due

to the wide highway verge. The nearest dwellings who could see the sign would be in Grampian Close, which is separated from Loundsley Green Road by the highway verge, which contains several trees and then the width of Grampian Close. Given this separation it is not considered that there would be sufficient grounds to refuse consent on the grounds of harm to the visual amenity of the area. On this basis the signage for the temporary 5-year consent period is considered to be acceptable in amenity terms.

### **6.3 Public Safety**

6.3.1 The Local Highway Authority have been consulted on the scheme and have raised no objection to the signage. Thus, despite the length of the proposed sign, which would be clearly visible to drivers, the Highway Authority have not raised any issues that it would be a distraction to drivers and as such there are no public safety concerns arising from the proposal.

### **7.0 REPRESENTATIONS**

7.1 The standard period of consultation has been carried out for this application and representations have been received from Councillors Baldauf-Good, Staton and Brock.

7.2 Councillor Baldauf-Good objects on the following grounds:

1. Unsightly to the environment. At a length of 57 metres it will have a detrimental impact on the landscape and will be within clear view of the passing, adjacent flats and other nearby dwellings for a considerable length of time.
2. For a development of only 15 new houses, a sign running the whole length of the housing development, along Loundsley Green Road, is disproportionate to the size of that development.
3. Believe should go back to the developers for a rethink on more appropriate signage.

7.3 Councillor Staton objects on the same grounds as Councillor Baldauf-Good.

7.4 Councillor Brock (adjacent Ward Member) also agrees with Councillor Baldauf-Good's objection.

#### ***Comments***

7.5 ***The comments received are noted however the impact of the proposal in amenity and safety terms is considered in the report not to be so harmful that a justification for refusal of permission is warranted.***

## **8.0 HUMAN RIGHTS ACT 1998**

- 8.1 Under the Human Rights Act 1998, which came into force on 2<sup>nd</sup> October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
  - The objective is sufficiently important to justify the action taken
  - The decisions taken are objective and not irrational or arbitrary
  - The methods used are no more than are necessary to accomplish the legitimate objective
  - The interference impairs as little as possible the right or freedom
- 8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

## **9.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

- 9.1. The Local Planning Authority have considered this application in a positive and proactive way to achieve a positive outcome for the application.

## **10.0 CONCLUSION**

- 10.1 For the reasons set out above the proposal is considered to accord with paragraph 136 of the NPPF.

## **11.0 RECOMMENDATION**

- 11.1 It is therefore recommended that the application for advertisement consent be APPROVED subject to the following conditions:

1. This consent shall be valid for a period of five years commencing with the date of this decision.

Reason - In accordance with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2. The advertisement hereby approved shall be installed in full accordance with the approved plans:

## B Y00108-Sales Signs Revision B

Reason - For clarification of the consent.

### **11.2 Informative Notes**

1. The applicant's attention is drawn to the Standard Conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007:
  - 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.
  - Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
  - Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
  - No advertisement shall be sited or displayed so as to:
    - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
    - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
  - Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
  - Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.