

<b>2.2 REFERENCE NO - 21/506308/ADV</b>			
<b>APPLICATION PROPOSAL</b> Advert Application for installation of two (x2) freestanding non-illuminated aluminium signage boards and two (x2) freestanding non-illuminated flagpole-bound signage flags.			
<b>ADDRESS</b> Land At Wises Lane Borden Kent ME10 1GD			
<b>RECOMMENDATION</b> Grant			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection.			
<b>WARD</b> Borden And Grove Park	<b>PARISH/TOWN</b> Borden	<b>COUNCIL</b>	<b>APPLICANT</b> BDW Kent <b>AGENT</b>
<b>DECISION DUE DATE</b> 04/02/22		<b>PUBLICITY EXPIRY DATE</b> 17/01/22	

### Relevant Planning History

17/505711/HYBRID

Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works.

Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

For clarity - the total number of dwellings proposed across the site is up to 675.

Appeal Against Non Determination

Appeal Allowed

Decision Date: 29.04.2021

## **1. DESCRIPTION OF SITE**

1.1 This application relates to the site of Hybrid planning application (17/505711/HYBRID) for a large, mixed-use development in Sittingbourne, that was allowed at appeal last year. Wises Lane at this point is designated as a rural lane in the Council's adopted Local Plan. Adjoining Wises Lane to the northeast is Maylam Gardens and to the south, and west there is predominately open countryside surrounding the site that extends up to the village of Borden.

## **2. PROPOSAL**

2.1 This application seeks advertisement consent for signage associated with marketing the site. The covering letter states that David Wilson have taken on the development of 80 new homes here and consent is being sought for 12 months. The applicant has introduced the

application as follows, although the scope of the application has been reduced at my suggestion since its submission to reduce the number of advertisements by half:

*Permission was granted through appeal on 29<sup>th</sup> April 2021 for a Hybrid planning application involving large, mixed-use development in Sittingbourne (Ref: 17/505711/HYBRID). David Wilson Homes have taken on the development of 80 new homes, which forms the Full permission of the aforementioned Hybrid application. As such, advertisement consent is now sought for the installation of four (x4) freestanding non-illuminated aluminium signage boards and four (x4) freestanding non-illuminated flagpole-bound signage flags relating to this approved development.*

*We have submitted details covering the proposed advertisement signs/flags that are to be erected within the boundaries of the site benefitting from Full permission, which will sit towards the south-eastern boundary of the site, adjacent to Wises Lane and just south of the Maylam Gardens roundabout.*

*No signs/flags will be erected within any land that constrains the use of advertisements (AONB, Conservation Area, etc.) and will remain in place temporarily whilst construction of the dwellings occurs, with their removal taking place after 12 months. The signs will remain in a clean and safe condition during their usage, and will not obscure any official road, rail or other transportation signage. There are also no issues in regards to land ownership permissions for the erection of these advertisements as we are the landowners for the area in which the advertisements are to be erected. It is therefore considered that this proposal would clearly adhere to the 'standard conditions' for outdoor advertisements.*

- 2.2 The signs originally comprised of four non-illuminated signage boards and four non-illuminated flags that advertised the development as “Cherry Fields”. The revised scheme has reduced the number of signage boards and flags to two boards and two flags. The development will now be advertised as “Applegate Park”.
- 2.3 The two advertisement boards will measure 2.8m wide x 1.9m tall attached to aluminium posts and set 3m above ground level and so measuring 4.9m high overall. The boards will be made of aluminium with digitally printed vinyl graphic applied that consists of white text on a blue background. They will be set three metres back from the road, in a “V” formation with flag poles either side.
- 2.4 The two flags are made of dark blue polyester with white text/branding which will measure 1m wide x 2.5m tall attached to aluminium flagpoles 6m high.

### **3. PLANNING CONSTRAINTS**

- 3.1 None

### **4. POLICY AND CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF 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.”*

4.2 It is important to note that the Council’s discretion in this type of application relates only to amenity and public safety; not to the content of the signage. Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that:

3. (1) *A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -*

*(a) The provisions of the development plan, so far as they are material; and*

*(b) Any other relevant factors.*

*(2) Without prejudice to the generality of paragraph (1) (b) –*

*(a) factors relating to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;*

*(b) factors relevant to public safety include –*

*(i) the safety of persons using the highway, railway, waterway, dock, harbour or aerodrome (civil or military)*

*ii) whether the display of the advertisement in question is likely to obscure, hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;*

*iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.*

*(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.*

*(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.*

4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP4 (Requiring good design), DM14 (General development criteria) and DM15 (New shopfronts, signs and advertisements).

4.4 Supplementary Planning Guidance (SPG): ‘The Design of Shopfronts, Signs & Advertisements’. Paragraph 2.2 of the SPG states that:

“The proliferation of signs and unnecessary repetition of information will be resisted.”

## **5. LOCAL REPRESENTATIONS**

5.1 No local representations received.

## 6. CONSULTATIONS

### 6.1 Borden Parish Council responded to the application as initially submitted as follows:

*The boards display the site as being 'Cherry Fields'. Cherry Fields is already on existing road with a large number of houses quarter of a mile from these advertising boards. This will confuse public and attending delivery drivers to either location.*

*The design appearance is not in keeping with the rural area and indeed with the outline planning permission.*

*The visual impact will have a tremendous detrimental effect on the surrounding rural area. The advertising boards will face Cryalls Lane, which is a rural lane, and thus will harmfully impact on the countryside ambience of this popularly frequented outdoor local asset.*

*It is accepted that this location will witness a housing development but the properties will not be totally evident for some years and should not be overshadowed by the brash marketing structure. The developer has been adamant there is a 'crying need and demand' for these houses so why is there such a requirement to advertise in such an obtrusive manner?*

*The Town and Country Planning (Control of Advertisements) Regulations 2007 relates to the discontinuance and non-acceptance of an advertisement where there is a danger to members of the public. Due to the vehement objections of the development and the obvious harm that the lengthy public inquiry had on a small number of Borden residents it is a concern that this blatant oversized insensitive display will have an adverse effect on the health of some members of the community and therefore a danger to their mental well-being.*

*They have given the parish council early notification of the substation and gas governor, why was this application not given the same.*

*The signs are not in scale of in keeping with scenic and historic features of the area.*

*The quality and character of places can suffer when advertisements are poorly sited and designed. The parish council believes this is the case.*

### 6.2 The Parish Council later updated their comments (but still before the application was amended) to say:

*The boards display the site as being 'Cherry Fields'. Cherry Fields is already on existing road with a large number of houses quarter of a mile from these advertising boards. This will confuse the public and delivery drivers to either location.*

*The design appearance is not in keeping with the rural area or with the outline planning permission.*

*The flagpoles and flags will create unnecessary noise in wind. Their constant movement will also be harmful both to wildlife, habitat and the quiet enjoyment of the surrounding area.*

*The visual impact will be detrimental to the appeal of the surrounding rural area. The advertising boards will face Cryalls Lane, which is a rural lane, and will intrude on the appealing ambiance of this valued local area of countryside.*

*It is accepted that this location is a housing development site, however the properties will not be complete for some years and in the meantime the site should not be overshadowed by the proposed intrusive marketing hoardings. The developer has been adamant there is a crying need and demand for these houses so Borden PC question the need to further advertise on site.*

*The Town and Country Planning (Control of Advertisements) Regulations 2007 relates to the discontinuance and non-acceptance of an advertisement where there is a danger to members of the public. Due to the number and strength of feeling expressed by objectors to the development proposal and at the subsequent inquiry we are concerned that this advertising display will have an adverse effect on their mental health, well-being and welfare of residents.*

*The size of the signs is detrimental to the enjoyment of the scenic and historic features, area and will have a detrimental effect on the overall quality and character of the location.*

*The following point was raised and noted, but is not a relevant objection to planning consent.*

*They have given the parish council early notification of the substation and gas governor, why was this application not given the same.*

6.3 The agent responded to say they noted the potential confusion with naming the development as “Cherry Fields” and have now changed it to “Applegate Park”. The advertisements are only intended to remain in place for 12 months to advertise the first phase of the development. The boards are angled in a “V” formation so as to ensure the signage can be seen from both directions of travel down Wises Lane. This is seen as the safest way to display the advertisement boards here as it avoids the need for drivers on either side of the road having to turn their heads in such a way that could cause a potential accident.

6.4 Following the reduction in the amount of signage the Parish Council were re-consulted, and commented as follows:

*It was RESOLVED to comment that the parish council proposes that name should not be Applegate Park as it conflicts with a local farm but instead should be Cherry Orchard.*

6.5 Kent Highways and Transportation raises no objection.

## **7. BACKGROUND PAPERS AND PLANS**

7.1 Application papers and plans relating to 21/506308/ADV.

## **8. APPRAISAL**

### Principle of Development

8.1 The application site lies within the Local Plan defined built-up area boundary of Sittingbourne/Borden and lies along a designated rural lane, and within the site allocated for

housing at south-west Sittingbourne under policy MU3 of the Local Plan. The need to promote this major new development to potential purchasers of the new residential homes is understood and the type of signage proposed is not untypical of what the Council has permitted elsewhere on such large-scale housing developments. I have considered the concerns of the Parish Council about the name of the development as 'Applegate Park' but as with all applications for advertisement consent, the only matters for consideration are those relating to amenity and public safety, not the content of the signage. I will deal with these statutory matters in turn.

#### Amenity

- 8.2 Amenity is usually defined in terms of appearance of the advertisement itself and the characteristics of the area where it is to be displayed but does not include the content or subject matter of the advertisement display. The relevant policies and the Council's SPG entitled 'The design of shopfronts, signs and advertisements' advise that such development should respect the character of the surrounding area and should not be excessive in quantity. There is a requirement to consider visual amenity and in doing so avoid the scenario of creating excessive visual clutter. The signage as originally proposed was for two pairs of identical signs and two pairs of flag advertisements located alongside each other which appeared to contain the same information. I believed it was unnecessary to have such a duplication of signs along this rural lane and therefore contacted the applicant to provide them with the opportunity to submit amendments to the scheme. The signage was then reduced by fifty per-cent which I believe would not amount to an over proliferation of signage within this area.
- 8.3 The signage would be non-illuminated and positioned close to the site entrance for the first phase of the proposed housing development, adjacent to the front gardens of Plots 78 and 79. I consider that the signs proposed are proportionate in size and relate appropriately to the new development and its use. The signs are strategically positioned to inform and direct potential house buyers into the site. The design and colouring of the signage would not be unusual and I consider that two boards and two flag poles would not result in an unacceptable level of visual clutter or be harmful to the visual amenity of the surrounding area, at least over such a short-term period.
- 8.4 The proposed signage will be located in excess of 100m from the nearest existing residential property located in Wises Lane therefore I do not consider it will cause significant harm to residential amenity.

#### Highway safety

- 8.5 The "V" boards have deliberately been positioned at a 40° angle to the roadside to enable the signage to be visible to passing traffic. I note that Kent Highways have no objection to the application on highway grounds and have not recommended any conditions.

#### Other Matters

- 8.6 The covering letter states that the marketing signage will remain in place for the duration of the first phase of the development. I have recommended a condition requiring this signage to be removed within 12 months from the date of the decision notice.

## 9. CONCLUSION

- 9.1 The application proposes temporary signage for the first phase of the consented housing development. The amount of signage has been significantly reduced in scope since initial submission and will not now result in an over proliferation of signage within this area. The content of the signs appears to be the Parish Council's overriding reason for not withdrawing their objection to the application and I must advise Members that this should not be a factor in their decision. I do not consider the proposed signage would have an unacceptable detrimental impact upon either visual and residential amenity, nor result in any harm to highway safety, which are the statutory tests here. I am therefore satisfied that the signage complies with policies DM14 and DM15 of the Local Plan and the NPPF.

## 10. RECOMMENDATION - GRANT Consent Subject to the following conditions

### CONDITIONS

- (1) 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.
- (2) No advertisement shall be sited or displayed so as to:
  - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) 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.
- (4) 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.
- (5) 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.

Reason: In accordance with the provisions of Regulation 2(1) of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

- (6) The advertisements hereby permitted shall be removed no later than one year beginning with the date on which the consent is granted.

Reason: In the interests of visual amenity.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

