Eastleigh Borough Council

Town and Country Planning Act 1990 – Section 78

Statement of Local Planning Authority

Planning Inspectorate Reference No: APP/W1715/H/11/2149558

Name and Address of Appellant:

Mr N Mills
Trinity Court
Molly Millars Lane
Wokingham
RG41 2PY

Reasons for Refusal

The sign due to its siting and appearance is considered to result in a poor quality and prominent advertisement that would visually clutter the site and be detrimental to the visual amenities and character of the area and as such is contrary to Policies 67.BE & 158.OS of the Eastleigh Borough Local Plan Review (2001-2011).

Site description

The Hampshire Tennis and Health Club is part of The Rose Bowl development. The area is outside the urban edge within countryside and strategic gap and has special policy area designation. The site consists of an open landscaped area of grass adjacent to a roundabout with 1 no. existing free standing pole sign with 3 no. banners advertising the tennis and health club.

Site history

None

Policies and proposals

Policy 67.BE of the Eastleigh Borough Local Plan Review (2001-2011) states that advert consent shall be granted provided it meets all the following criteria:

i. it does not detract from the character of the locality and it is appropriate to its surroundings in terms of design, size, materials, colour, positioning and the extent of signage;
ii. if illuminated, the amount of illumination does not detract from the character of the locality,
iii. it does not create a risk to public safety; and
iv. the site is not in a Conservation Area, where policy 172.LB applies.

The Rose Bowl and Tennis Centre Special Policy Area seeks to maintain the generally green, open and landscaped character of the area consistent with countryside and strategic gap policies. Criterion ii & iii of Policy 158.OS state that any structures must be appropriate in scale and form and be of a high quality design.

Regulation 3 (1)(2)(3) (as amended) of the Town and Country Planning(Control of Advertisement) Regulations 2007 states that an LPA shall exercise their powers under these Regulations only in the interests of amenity and public safety, taking account of any material factors, and in particular, in the case of amenity, the general characteristics of the locality, and in the case of public safety, the safety of any person who may use any highway.

PPG19 – Outdoor Advertisement Control states that the LPA should have regard to the effect of advertisements on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed and to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).

The appeal application seeks the retention of a free standing sign measuring 4.50m long x 1.20m high. The sign is displayed on a landscaped grassed area adjacent to the roundabout and entrance road off Botley Road.

Planning Considerations

The Local Planning Authority's decision is based on Regulation 3 (1)(2)(3) (as amended) of the Town and Country Planning (Control of Advertisement) Regulations 2007, PPG19 – Outdoor Advertisement Control, the first criteria as set out within the above mentioned Policy 67.BE and the second and third criterion of Policy 158.OS.

Paragraph 11 of Planning Policy Guidance note 19 states that in'... assessing an advertisement's impact on "amenity", LPAs should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect; will have on its surroundings. Paragraph 12 goes on to state that businesses in the countryside should ensure '...that signs are designed and sited to harmonise with their setting...' and '...be encouraged to combine their essential advertising needs so as to avoid a proliferation of advance signs.'

The sign is considered to represent a poor quality advertisement due its untidy form and use of materials giving it a temporary appearance. The display of differing promotions with no details of the size and design of images and lettering could potentially result in a visually intrusive feature detrimental to the rural character of the area.

There are two existing advertisements being displayed on this landscaped area; a free standing pole sign with 3no. banners and a formal directional highway sign both advertising the tennis and health club. The retrospective sign is positioned between these signs and for reason of excessive number of signs within this confined area, the sign is considered to visually clutter the site. The retrospective sign would also appear visually prominent due to its untidy form and appearance that would contrast against the existing simple and uncluttered signage which is considered more appropriate for the area.

It would be preferable to see either the existing signage being re-designed to accommodate the advertisement or a more formal sign being displayed in an alternative position.

Although there are currently a mixture of signs within the vicinity, in order to improve the appearance of the Special Policy Area, the objective is to reduce these to a small number of high quality signs. The Council have sought and achieved high quality buildings on the site and the intention is to reflect this quality in any ancillary development proposed on the site. The council are currently working with the applicant as well as other occupiers of the site on a comprehensive approach to ensure that high quality signage is achieved through an appropriate advert strategy. (Please note that the 2no retrospective banners displayed along the Botley Road and Marshall Drive advertising the Holiday Inn have been subject to a recent refusal for reason of visual clutter – reference number A/10/68258).

Observations on grounds of appeal

It is noted that there is a mix of signage within the area however the majority of signs are of good quality and design and therefore not comparable to the appeal application. The retrospective sign is not considered to represent a high quality advertisement and therefore would be contrary to the objective of improving the appearance of the area.

Conclusions

It is the opinion of the LPA that the appeal application proves contrary to the provisions of local plan guidelines.

The LPA respectfully requests the Planning Inspectorate upholds the Reason for refusal and dismisses the appeal. However, in the event that the appointed Inspector allows the appeal, the LPA would ask that considerations be given to the following standard conditions being attached to the

advertisement consent.

Enclosures

Site plan – 1:1250

Appendix A – Suggested conditions

Photograph A - see attached location plan. Photograph taken from Marshall Drive roundabout.

Photograph B – see attached location plan. Photograph taken from Marshall Drive roundabout.

Photograph C – see attached location plan. Photograph taken from Marshall Drive roundabout.

Please note that the photographs attached to this statement have been taken very recently and it is noted that the sign the subject of this appeal have been removed from the site. On this basis, the Inspector is respectfully requested to refer to the photographs shown in the appellants advert application submission that clearly shows the sign as attached on Plans 2, 3, 4 & 6 (photographs)

Appendix A

The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

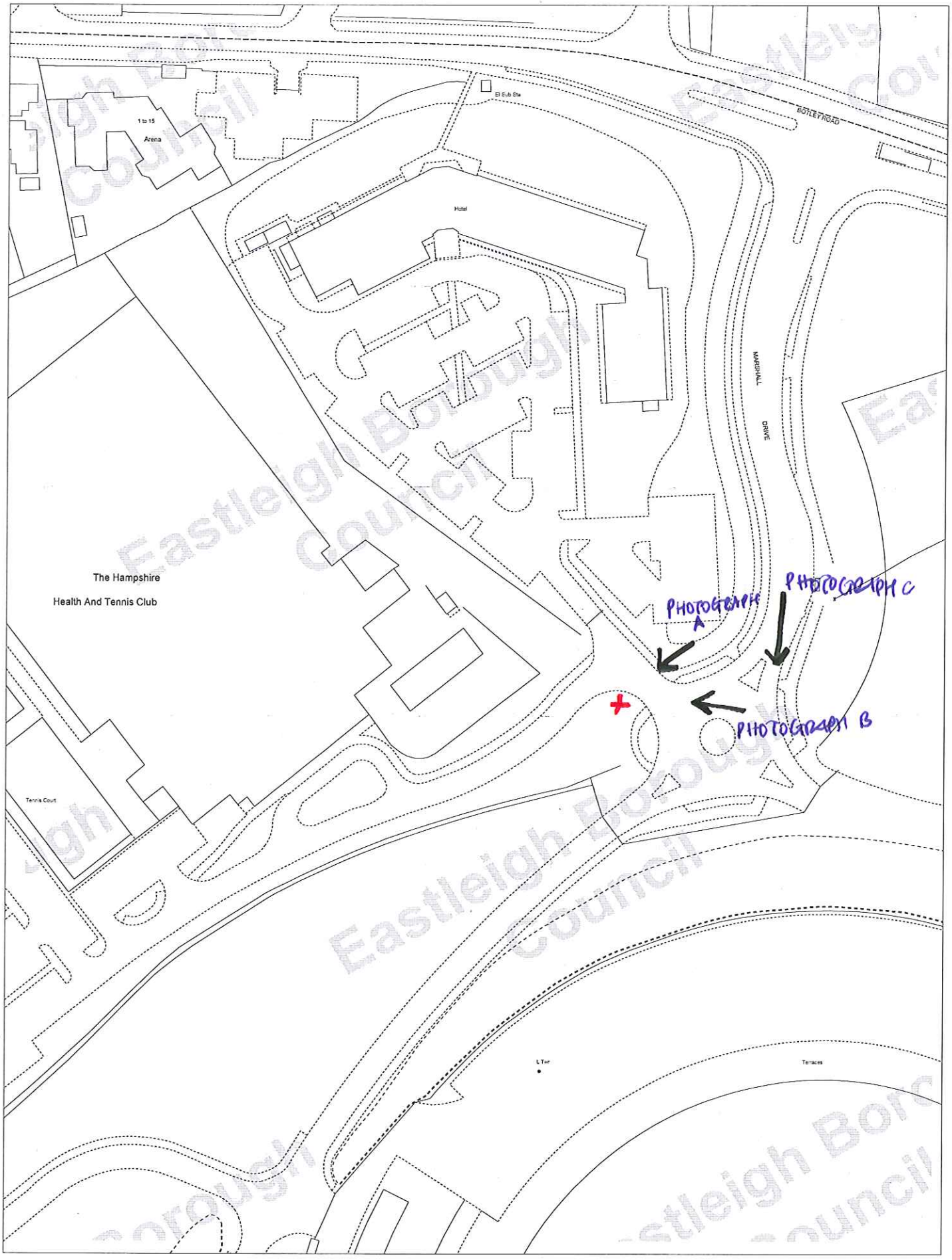
1. No advertisement to be displayed without the permission of the owner of the site (this includes land or buildings where the advertisement is displayed), or any other person with an interest in the site entitled to give permission.

2. The siting or display of an advertisement is prohibited if it endangers anyone using any highway, railway, waterway, dock, harbour or aerodrome (civil or military), or would obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air. It also prohibits the siting or display of an advertisement that would hinder the operation of any device used for the purpose of security or surveillance (such as closed circuit television cameras), or for measuring the speed of any vehicles (speed cameras or other speeding measuring devices.

3. The advertisement and any land or building used for the purpose of its display to be maintained in a reasonably clean and tidy condition so that it does not impact the visual amenity of the site.

4. Any structure or hoarding used for the display of advertisements to be maintained in a safe condition that does not endanger the public.

5. Following the removal of advertisement the site shall be left in a condition that does not endanger the public and in a reasonably clean and tidy condition so that it does not impact the site's visual amenity.



EASTLEIGH BOROUGH COUNCIL

Development Control

Scale 1:1250

Map Ref SU4714SE

Date 26/04/2011

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LOCATION PLAN



PHOTOGRAPH A



PHOTO GRAPH B



PHOTOGRAPH C

PLAN NUMBER
2

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A1016798.

PLAN NUMBER 2



A/10/67908.

PLAN NUMBER 4



PLAN NUMB

A/10/5908.

