

DELEGATED ADVERT REPORT

Application Ref: A/23/95444

Site Address: Land to the North and East of Boorley Green, Winchester Road, Botley, SO32 2UA.,

Case Officer: Liz Harrison

Description: Advertisement to be erected on the hoardings surrounding the highway facing edge of the Boorley Gateway Site.

Particular Site Constraints?	Yes ☒	No ☐
Within Urban Edge		

Planning History?	Yes ☒	No ☐
Relevant history: F/19/86233 - Demolition of existing buildings and dwelling with the construction of a mixed use retail and residential development comprising an A1 retail convenience store and flexible retail floorspace (A1 and A2 Use Class), and 67 residential units (C3 Use Class) with associated access, parking, landscaping, drainage, and ancillary infrastructure including pedestrian and cycle links – granted 27.5.21		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations: (summarised)	2 objections on the grounds of: - Excessive advertising along a primary route that would be overbearing, intrusive and hazardous for road users. - No justification for the proposal. - If combined with any future flags and other adverts it will be out of keeping with existing landscape. - Query re: how long the adverts would be permitted and changes to images.		
Botley Parish Council:	The committee felt the planned design was gaudy and the volume of advertising would be distracting for drivers, having an impact on road safety concerns.		
Hampshire Highways: (summarised)	No objection to the principle of advertising hoarding and with the amended plan the hoarding no longer affects visibility or obstructs movement on the local foot/cycle network.		

Site Visit:	Yes ☒	No ☐
Details: 19.10.23		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>
Regulation 3 (1)(2)(3) (as amended) of the Town and Country Planning (Control of Advertisement) Regulations 2007 states: <i>(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—</i> <i>(a) the provisions of the development plan, so far as they are material; and</i>

(b) any other relevant factors.

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

(a) factors relevant 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 any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or 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.

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

The most relevant policies are S1 “Delivering Sustainable Development” and DM1 “General Criteria for New Development”

Assessment:

The site is currently under construction in accordance with permission F/19/86233 for a mixed use retail and residential scheme. The application seeks consent for the erection of adverts on the site hoardings where they face onto Winchester Road, along most of the boundary with Kingsman Drive and a short return along the southern boundary adjacent to the entrance to Botley Park Hotel. No adverts are proposed along the hoarding facing Dollery Close. The adverts would be temporary in nature whilst construction takes place, which is anticipated to be approximately 2 years.

The proposed adverts consist of a dark blue background with yellow and silver lettering giving details of the residential development proposed and photographic images of people. The adverts would not be illuminated.

Visual amenity

The proposed adverts would introduce text and visual images onto the existing hoarding, which would be visible in the streetscene, particularly at the northern end of the site. At the southern end of the site the hoarding sits beyond a line of mature trees and vegetation along Winchester Road, which would screen views of the proposed adverts so they would be less visible from the road, although they would be visible close-up from the adjoining footpath/cycleway. While some of the adverts would be visible from neighbouring properties such views would be from across the road and in the context of the development site behind the hoardings.

Given the temporary nature of the adverts and the fact that they would not be illuminated it is considered that they would not result in a significantly detrimental impact on the visual amenity of the surrounding area such as to warrant refusing the application for advert consent. In addition it is not considered that there would be a detrimental impact on residential amenities. However, it is considered appropriate to limit the length of any advert consent granted to 3 years.

Public Safety

While the extent of the hoarding on which the adverts would be erected is relatively long due to the size of the site, the text to be contained on the adverts is relatively limited and easy to read due to its size. Hampshire County Council were consulted on the application as Highway Authority and have raised no objection on the grounds of highway safety or impact on the surrounding highway network.

As such it is considered that there would not be an adverse impact to highway safety or the safety of the public.

Other Matters:

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted Local Plan, as is an assessment of climate impacts.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

It is considered that the proposed advertisements are acceptable for a temporary period of 3 years and comply with the relevant local plan policies and requirements of the Town and Country Planning (Control of Advertisement) Regulations 2007.