

## DELEGATED OFFICER REPORT

**Application Ref:** A/24/98448

**Site Address:** 52 SANDY LANE, FAIR OAK, EASTLEIGH, SO50 8GB

**Case Officer:** Dorothy Hei-Tung-Hoh

**Description:** Retrospective application for display of an illuminated fascia sign

|                                                                                                                                                              |                                                |                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------|
| <b>Particular Site Constraints?</b>                                                                                                                          | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| <ul style="list-style-type: none"><li>• Within the Urban Edge</li><li>• Within Built-up Area Boundary</li><li>• Within Fair Oak: Sandy Lane Centre</li></ul> |                                                |                                    |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                |                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------|
| <b>Planning History?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| <ul style="list-style-type: none"><li>• Z/10533/001/00 - Installation of 1.2m diameter satellite dish on roof - Permit - 14/01/2000</li><li>• Z/10533/002/00 - Erection of cold room for storage of dairy products at rear - Permit - 03/03/2000</li><li>• A/10533/004/00 - Display of externally illuminated fascia sign and 2no. internally illuminated projecting signs - Consent To The Advert Display - 11/09/2000</li><li>• Z/10533/003/00 - Alterations to shop front - Permit - 13/09/2000</li><li>• Z/10533/005/00 - Installation of atm machine and satellite dish - Permit - 19/11/2003</li><li>• F/11/69420 - Change of use from A1 (retail) to A5 (hot food take-away) including installation of extraction unit and ducting - Permit - 23/11/2011</li><li>• A/11/69453 - Display of 1No. internally illuminated fascia sign - Consent To The Advert Display - 09/07/2012</li><li>• F/24/97926 - Shop name - Return Invalid - 26/09/2024</li></ul> |                                                |                                    |

|                   |                                                           |                                             |                                           |
|-------------------|-----------------------------------------------------------|---------------------------------------------|-------------------------------------------|
| <b>Publicity:</b> | <b>Letters</b> <input checked="" type="checkbox"/>        | <b>Site Notice</b> <input type="checkbox"/> | <b>Newspaper</b> <input type="checkbox"/> |
| Representations:  | None received.                                            |                                             |                                           |
| Parish Council:   | No objection.                                             |                                             |                                           |
| HCC Highways:     | No objection to the proposals from a highway perspective. |                                             |                                           |

|                                        |                                                |                                    |
|----------------------------------------|------------------------------------------------|------------------------------------|
| <b>Site Visit:</b>                     | <b>Yes</b> <input checked="" type="checkbox"/> | <b>No</b> <input type="checkbox"/> |
| Details: 30 <sup>th</sup> August 2024. |                                                |                                    |

|                                                                                |
|--------------------------------------------------------------------------------|
| <b>Policy:</b>                                                                 |
| <b>National Planning Policy Framework</b><br><b>Planning Practice Guidance</b> |
| <b>Development Plan:</b>                                                       |

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1 and DM22.

**Supplementary Planning Documents:**

Quality Places; Residential Parking Standards; Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath (BIFOHH 17)

**Assessment:**

**Site context and surroundings**

52 Sandy Lane is a commercial unit within the Sandy Lane local centre in Fair Oak, currently operating as a fish and chip shop. The surrounding area comprises a mix of residential and commercial properties, with a row of retail units at ground floor level and residential flats above. The centre includes various businesses, such as a convenience store, takeaway shops, and other local services.

**Proposal**

The application seeks retrospective advertisement consent for the display of an illuminated fascia sign. The sign displays the name of the fish and chip shop, featuring a blue background with white lettering. It measures 5800mm in width, 620mm in height, and 100mm in depth, with an illumination level of 10 cd/m<sup>2</sup>. According to the submitted information, the sign is illuminated between 11:30 AM and 9:30 PM from Monday to Saturday, aligning with the business's operating hours.

**Legislation**

Legislation Regulation 3 (1)(2)(3) (as amended) of the Town and Country Planning (Control of Advertisement) Regulations 2007 states:-

"A local planning authority 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, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding, if they think fit, any advertisement being displayed there;
- In the case of public safety:
- The safety of any person who may use any road, railway, waterway, dock, harbour or aerodrome;
- Whether any display of advertisements is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air

In determining an application for consent for the display of advertisements or considering whether to make an order revoking or modifying a consent, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is required or granted."

**Layout, design, and impact upon the character of the area**

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.

- It is noted that the sign has been in place for some time, and its size, design, and colour scheme are consistent with signage typically found in local centres. The sign is comparable in scale and appearance to the adjacent businesses, ensuring it does not appear overly prominent or incongruous within the street scene.
- As the sign is positioned within an established commercial frontage where signage is common, it does not introduce visual harm or disrupt the character of the area.

### **Impact on residential amenity**

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- It is noted that the upper-floor units are residential. However, the sign's illumination level is modest at 10 cd/m<sup>2</sup>, and its operating hours align with the business's trading hours, thereby limiting any potential disturbance. The illumination is not excessively bright or flashing, reducing the likelihood of undue visual intrusion.
- Additionally, given the commercial nature of the frontage, illuminated signage is an expected feature, and there is no evidence to suggest that this particular sign causes an unacceptable impact on residential amenity.

### **Highway and Public Safety**

- Hampshire County Council (HCC) Highways has reviewed the proposal and conducted a site visit, advising that there are no objections from a highway safety perspective. The sign is located flat to the building's frontage and does not protrude forward, ensuring it does not impede pedestrian movement beneath.
- Additionally, the quoted luminance level of 10 cd/m<sup>2</sup> is well below the maximum permitted level, reducing the potential for distraction to road users.

### **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, development plan and adopted local plan policy 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 local 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.*

*The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.*

**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

**Conclusion:**

Permit subject to conditions. Consent to the advert display.

|                 |                                                   |                                        |
|-----------------|---------------------------------------------------|----------------------------------------|
| Recommendation: | <b>PERMIT</b> <input checked="" type="checkbox"/> | <b>REFUSE</b> <input type="checkbox"/> |
|-----------------|---------------------------------------------------|----------------------------------------|