

DELEGATED OFFICER REPORT

Application Ref: A/25/98986

Site Address: Moorhill Care Home, Moorhill Road, West End, SO30 3AZ

Case Officer: David Huckfield

Description: Display of 1no. externally illuminated 'V-Stack' formation advertising sign.

Particular Site Constraints?	Yes ☒	No ☐
Outside the Urban Edge Within Designated Countryside Tree Preservation Order (200-E)		

Relevant Planning History?	Yes ☒	No ☐
F/22/94034 - Proposed 70-bed care home (Use Class C2); associated access, parking, landscaping, sustainable drainage, electricity sub-station, other structures and works; following demolition and clearance of the existing site – PERMIT (03/08/2023)		

Site Visit?	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to consider the proposals in context.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations	3 letters of representation have been received in relation to the application, raising objections to the proposals on the following grounds (summarised): - The size and height of the sign is unacceptable, unnecessary and dangerous to road users. - The sign is out of keeping with the aesthetics of the care home building. - The sign is too 'commercial', loud and intrusive for a residential area. - Adverse impacts from the signage lighting on amenity. - The sign has been erected prior to permission being granted.		
West End Parish Council	No comments received.		
HCC Highways	In regard to application A/25/98986, having reviewed the information contained within the application pack, there would be no objections to the proposals from a highway perspective. The proposed sign sits back from the highway edge an appropriate distance to not impact upon the junction visibility splays, and the proposed lighting is well within guidance levels at 8cd/sqm.		
Southern Water	No objection.		
Tree Officer	Whilst we have no objection to the sign <i>per se</i>, we have reservations about the foundations. The proposal appears to show excavation to at least 1 metre and unspecified dimensions for the concrete foundations. The sign is of significant size, so I imagine the concrete blocks will also have to be significant. The position of the sign is within the Root Protection Area (RPA) of what was		

	labelled as T2 during the planning process and so there is potential for impacts to the rooting system of this tree from installation. We would like some more information regarding the foundations and, therefore, request a proposal to minimise the impact on the tree – a brief arboricultural method statement and dimensions would be useful.
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Relevant Policy and Legislation:

Legislative Background:

Advertisement Consent:

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

(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 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.

Regulation 4 states:

(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested.

The Development Plan:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material

considerations indicate otherwise.

The Development Plan comprises the Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The relevant policies to this application are: S1 (Delivering Sustainable Development), S5 (New development in the countryside), DM1 (General Criteria for New Development), DM13 (General Development Criteria – Transport).

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication.

Of particular relevance to this application are Paragraph 141 of the NPPF which relates to the display of advertisements and 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.

The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Summary of proposals:

The application seeks advertisement consent for the display of an externally illuminated 'V-Stack' formation sign which is positioned adjacent to the vehicular entrance to the application site (a recently constructed care home) from Moorhill Road. The sign projects 4.5m above ground level with posts set into concrete foundations which are sunk 1m into the ground. External illumination to 8cd/m² is provided via LED trough lights positioned at the top of the signs. On the date of the Case Officer's site visit, the sign had already been installed and, as such, the application is retrospective.

The Advertisement Regulations require that local planning authorities exercise their powers in respect of the control of advertisement only in the interests of amenity and public safety, these matters are considered in turn below.

Public Safety:

In this regard, there are no significant concerns, with the positioning of the sign being such as to not interfere with sight lines / visibility splays in a manner which would affect access or egress to or from the application site, and the luminance levels and the positioning and type of the lighting proposed also being deemed acceptable from a highway safety perspective. Accordingly, no objections have been raised to the application by Hampshire County Council as the Highway Authority for the area.

Amenity:

Whilst not exhaustively defined in the Regulations, the Planning Practice Guidance (Paragraph 079 Reference ID: 18b-079-20140306) provides additional context in this respect and sets out that it is a matter of interpretation by the local planning authority as it applies in any particular case but in practice "amenity" is usually understood to mean the

effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood.

In these regards, there are notable concerns in respect of the impacts of the advertisement that has been installed. The application site lies on the edge of designated countryside as defined within the Council's adopted Local Plan and at a point where there is both a physical and visual transition that occurs from the built up area of West End to the north into a more semi-rural section of Moorhill Road to the south, something that is particularly evident along its eastern side.

Whilst the site has itself been urbanised to an extent through the recent construction of the care home facility, which is acknowledged to be a building of not an insignificant scale, the set back that it has been afforded from the road and the maintaining of the mature trees along the highway boundary which have been supplemented by verdant planting, serve to notably reduce its visual presence from medium to longer range views along Moorhill Road, with the building only being notably visually apparent when in closer proximity.

The sign that has been installed by contrast, owing to its siting and what is considered to be its excessive scale and size, is particularly and unduly apparent when moving towards the site and appears as a somewhat visually obtrusive and incongruous feature within the street scene when viewed against the aforementioned otherwise verdant backdrop of the highway boundary, with its visibility being further heightened by both its predominantly white background and, in hours of darkness, through the lighting that has been installed to illuminate it.

Whilst the LPA understands and appreciates the desire to mark the entrance to the site and for visibility for the care home business, this has to be balanced with the site's context and, in this instance, it is considered that the sign unacceptably detracts from the amenity of the area and has a detrimental impact upon its prevailing character. In these respects, the application is contrary to the criteria within Regulation 3 of the Advertisement Regulations, Paragraph 141 of the NPPF, and Policies S5 and DM1 of the Eastleigh Borough Local Plan which respectively seek to avoid adverse harm to the character of the countryside and require that proposals take full and proper account of the context of the site including the character and appearance of the locality.

Other material considerations:

Arboricultural impacts

As noted within the comments of the Council's Tree Officer, the sign has been installed within the Root Protection Area (RPA) of what was labelled as T2 (a Monterey Pine) during the planning application process for the approval of the care home building (planning application reference F/22/94034) within the Arboricultural Method Statement that accompanied it (James Fuller Arboriculture, October 2022, JFA0289). Whilst this tree is not covered by the Tree Preservation Order which applies to a large part of the wider care home site, it is on third party land (in the highway verge) and, owing to its substantial scale, makes a particularly significant contribution to the character and amenity of the area.

Given the scale of the sign and notably the depth and nature of its concrete foundations, the Tree Officer has advised that there is potential for adverse impacts to occur to the rooting system of this tree from installation of the advertisement. No information has, however, been provided to demonstrate that such impacts could be avoided or that the effects on this tree and its rooting system could or have been minimised. In the absence of this, the proposals are deemed to be contrary to the requirements of Regulation 3 of the Advertisement Regulations and Paragraph 141 of the NPPF in light of the potential

adverse effects on the amenity of the area, as well as Policy DM1 of the Eastleigh Borough Local Plan and the provisions of both the Council's Trees and Development SPD and Paragraph 136 of the NPPF, which collectively recognise the important contribution that trees make to the character and quality of an area and require that proposals do not involve the unjustified loss of or damage to existing trees.

Conclusion:

Taking account of the above factors, the application is considered to be contrary to the relevant legislative requirements and both national and local planning policy and guidance. It is therefore recommended that advertisement consent be refused.

Recommendation:	REFUSE ADVERTISEMENT CONSENT
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