

DELEGATED OFFICER REPORT

Application Ref: A/25/100219

Site Address: HAPPY DAYS NURSERY, NAIRN ROAD, BOTLEY, SOUTHAMPTON, SO32 2SH

Case Officer: Gina Aftanas

Description: Erection of 3 signs. Primary wall signage on front elevation with trough light over the top, and 2no. free-standing, single sided illuminated totem signs with LED lighting within.

Particular Site Constraints?	Yes ☒	No ☐
Within the urban edge 1000 year extent surface water flooding just outside boundary line		

Planning History?	Yes ☒	No ☐
Reference	Description	Decision
O/12/71514	Outline application with all matters reserved (except for access) for the demolition of golf driving range shelter and groundsman's equipment store and the development of 1400 homes with access from Winchester Road and Maddoxford Lane (with upgrades to the Winchester Road/Woodhouse Lane Junction and approaches and Maypole Roundabout, construction of Sunday's Hill Bypass and approaches, extension to existing hotel (including new conference and leisure facilities, 44 no. new bedrooms and car parking), creation of new local centre (incorporating energy centre, pub, assisted living accommodation, retail and employment floorspace, including change of use of Braxells Farm House to employment), primary school, multi purpose community building, sports and open space facilities including play areas, allotments and Multi-Use Games Area, and changing facilities, together with construction of roads, footpaths (including diversion of Footpath No. 2) and cycle ways, and pumping stations.	Permit – 28/11/2013
R/15/77552	Reserved Matters Application (Pursuant to outline planning permission O/12/71514 which was subject to an Environmental Impact Assessment) for the spine road infrastructure together with foul and surface water drainage networks, landscaping and associated works. This application includes the diversion of Footpath No. 2	Permit – 19/02/2016
F/23/96256	Erect a single storey children's nursery with off road car parking (revised scheme)	Permit – 09/02/2024

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	20 Maddoxford Lane - Objection: Objection to the lighted totum, does not enhance the living space for residents, and would be unnecessarily intrusive through light pollution and out of character for a residential space.		
Parish Council:	Objection: The Planning and Highways committee met on 28 th October, and members voted unanimously to object to this application. The objection is on the basis that this is in a residential area and illuminated signs could impact on neighbouring properties and may not be in keeping with the area.		
Hampshire Highways:	No Objection: It can now be confirmed that the positions of all the signage is acceptable, and that luminance levels are within guidance levels. As such there is no objection to the proposals from a highway perspective.		

Site Visit:	Yes ☒	No ☐
--------------------	--	------------------------------------

Legislation:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"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."

Regulation 3 (1)(2)(3) (as amended) of the Town and Country Planning (Control of Advertisement) Regulations 2007 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.

Policy:

National Planning Policy Framework

Paragraph 141 of the NPPF (2024) repeats previous policy framework guidance for advertisements, recognising that the quality and character of places can suffer when advertisements are poorly sited and designed.

It highlights that for the purpose of decision making, advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

Decision making should be simple, efficient and effective.

Planning Practice Guidance

The latest national guidance for advertisements was updated in July 2019. The guidance provides a definition for an advertisement, identifies the procedures for express consent and enforcement and, identifies those matters that represent considerations affecting public safety and amenity. These include:

- Where drivers need to take more care, such as junctions or where local road conditions present traffic hazards.

- The effect on visual and aural in the immediate vicinity of the advertisement where the public will be aware of the advertisement.
- Whether the advertisement is in scale or keeping with the local characteristics including any historic, architectural or cultural features.

Development Plan:

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

Supplementary Planning Documents:

Quality Places

Proposal:

This application seeks approval for the erection of 3 signs. 1no. primary wall signage on the front elevation with trough light over the top, 1no. free-standing satin laminated parking sign and 1no. free-standing, single sided illuminated totem sign with LED lighting within.

Assessment:

The Advertisement Regulations require that local planning authorities exercise their powers in respect of the control of advertisement only in the interest of amenity and public safety. The Planning Practice Guidance (Paragraph 001 Reference ID: 18b-001-20140306) states that, therefore, *“the regime is lighter touch than the system for obtaining planning permission for development”*.

Principle

The development is located within the urban edge, where the principle of development is considered acceptable, subject to the detailed matters according with the relevant advertisement regulations.

Site and Surroundings

The application site comprises a recently constructed single storey children’s nursery located on Nairn Road in Boorley Green. The nursery is situated with Boorley Park Primary School on one side, and residential properties on the other, separated by mature hedgerow and fencing.

Amenity

The primary fascia signage is proposed to the south elevation of the nursery building and measures 3.4m in width, 1.425m in height and 0.05m in width. This sign is luminated by external LED trough lighting with a luminance level of 250cd/m facing towards the sign. It is acknowledged that the proposed sign is of a substantial size; however, its location is set well within the site boundaries, thereby minimising its visibility from the public realm. Given that the light source is directed downward and the level of illumination is low, it is not anticipated that the sign will result in any adverse impact on the amenity of surrounding properties.

The postfix parking signage is 0.5m in both height and width and raised 1.4m from ground level at its highest point. The sign is non illuminated and is proposed closest to the approaching road, just inside the entrance of the site. This sign is small in size and not luminated, its position makes it not likely to stand out and only be seen by people entering the nursery and possibly making their way to the neighbouring school.

The proposed postfix *totum* signage measures approximately 1.3m in height and 1.2m in width, with its highest point raised 2.2 metres above ground level. The sign is to be

internally luminated by LED lighting, providing a luminance level of approximately 250cd/m², and is proposed to be positioned around 7.5 metres from the site entrance. Although this sign is the closest of the three signs to adjoining properties, it is not considered to result in any significant adverse impact on neighbouring amenity, owing to its setback location within the site, the existing boundary treatments, and the proposed low luminance.

Public Safety

Hampshire Highways have confirmed that the positions of all the signage are acceptable, and that luminance levels are within guidance levels. These levels will be conditioned as part of the decision notice to ensure they are not raised above the agreed 250cd/m.

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.

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: This application is recommended for approval, subject to conditions.

Recommendation:	PERMIT ☒	REFUSE ☐
-----------------	---	--