



Northumberland

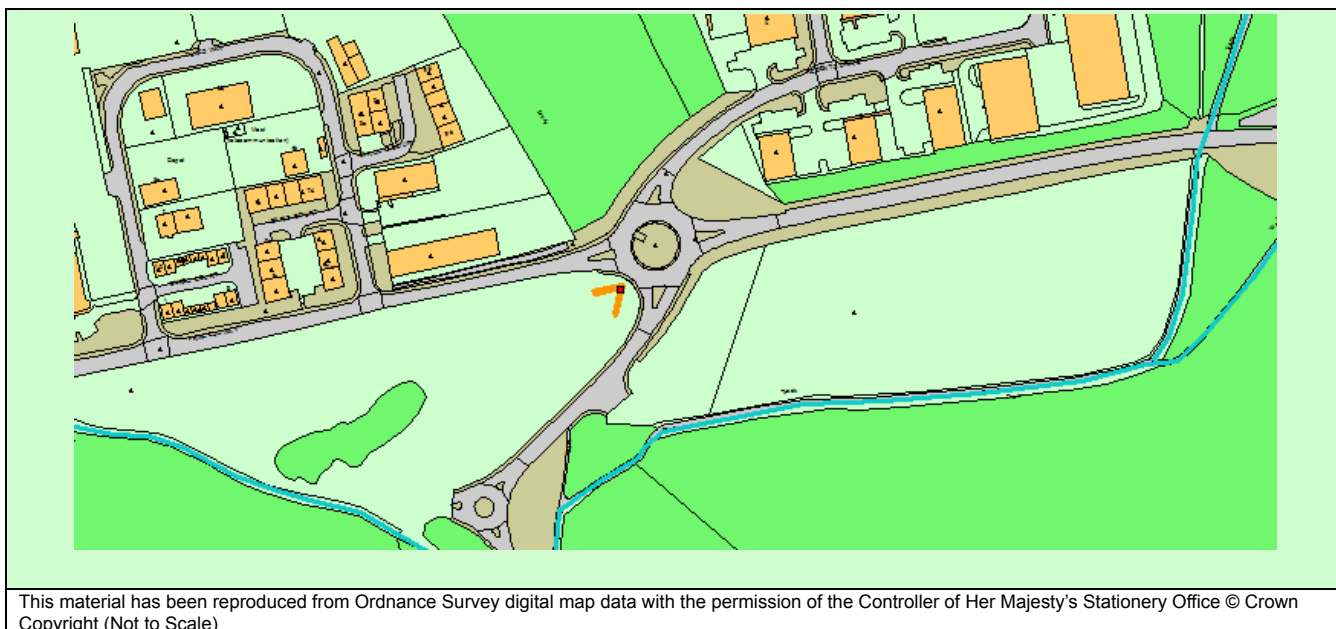
County Council

Tynedale Local Area Council Planning Committee

12 November 2019

Application No:	19/02277/ADE		
Proposal:	Advertisement Consent for V-angle marketing board for the permitted retail park (ref. no. 16/02082/OUT and ref. no. 18/03945/REM)		
Site Address	Land South West Of Regents Drive Roundabout, Princess Way, Prudhoe, Northumberland		
Applicant:	Mr Guy Munden, Northumberland Estates, Quayside House, 110 Quayside, Newcastle, NE1 3DX	Agent:	None
Ward	Prudhoe North	Parish	Prudhoe
Valid Date:	5 August 2019	Expiry Date:	14 November 2019
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Senior Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		

Recommendation: That this application be GRANTED consent



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1. Introduction

- 1.1 This application is brought to the Planning Committee on the basis that Advance Northumberland owns the application site and is a joint developer with the applicant of the approved commercial development of the larger site area in accordance with the current scheme of delegation.

2. Description of the Proposals

- 2.1 Advertisement consent is sought for the erection of a marketing board in connection with the recently approved retail development of land south of Regents Drive, Prudhoe. The proposed V-layout sign would be located on land to the west of the roundabout with the junction of the A695.
- 2.2 The application site for the overall approved outline permission is located to the northern edge of Prudhoe on two parcels of land south of the bypass (A695 - Princess Way) and Low Prudhoe Industrial Estate. The larger part of the site to the east is bounded to the east and south by a public right of way with woodland planting beyond and was recently granted reserved matters approval for retail and other commercial units under application 18/03945/REM. The smaller parcel to the west, upon which the sign would be located, is bounded to the south by further planting with a right of way also in this area, with residential development at Castlefields around 130 metres to the south-west. The land to the south rises up to the built up area and centre of Prudhoe town
- 2.3 The proposed sign would be non-illuminated and pole mounted. Each board making up the V-sign would measure 4 metres in width and 2 metres in height with the base of the sign set 1.82 metres above ground level (maximum height above ground level 3.82 metres). The sign would include a background visual of the proposed development and text comprising 'Tyneview Retail Park, Prudhoe' 'To Let – Mixed Use Retail Development' as well as logos for Northumberland Estates and Advance Northumberland along with confirmed operators and agent details.
- 2.4 The location of the sign has been amended during the course of the application to address concerns from Highways Development Management. In addition the dimensions of the sign boards have been reduced in size from 6 metres x 3 metres as originally proposed due to concerns over their scale and appearance.

3. Planning History

Reference Number: 16/02082/OUT

Description: Outline application for mixed-use development comprising Class A1 (retail development) and/or Class A3/A5 (drive-thru restaurant) and/or Class A3/A4 (family pub/restaurant) and/or Class C1 (hotel) and/or petrol station (Sui Generis) with associated access

Status: Permitted

Reference Number: 18/03945/REM

Description: Reserved matters application relating to planning permission 16/02082/OUT for the first phase of development (the eastern area of the outline planning permission) consisting of 3,260sqm (GIA) A1 Food Retail, 3,200sqm (GIA) A1 Non-food Retail, 278sqm (GIA) A3/A4, 240sqm (GIA) restaurant/drive-thru (A3/A5), with associated access, car parking, service area, landscaping and infrastructure works (as amended)

Status: Permitted

4. Consultee Responses

Prudhoe Town Council	Members resolved to SUPPORT this application – in doing so Members felt that conversations may need to be had about the siting of the Miners Tub which is very close in proximity to the advertising that is planned.
Highways	No objection following submission of amended plans.
County Ecologist	No objection subject to conditions.
West Tree And Woodland Officer	No response received.
Open Spaces - West Area	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

General site notice: 20 August 2019

No press notice required.

Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

BE1 Principles for the built environment

NE1 Principles for the natural environment

Tynedale District Local Plan (2000, Policies Saved 2007)

GD2 Design criteria for development

GD4 Range of transport provision for all development

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th May 2019)

ENV 3 Landscape

QOP 1 Design principles

QOP 2 Good design and amenity

7. Appraisal

7.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

7.2 Paragraph 132 of the National Planning Policy Framework (NPPF) discourages the display of poorly placed advertisements on the grounds of detrimental impacts to the appearance of the built and natural environment. However, control over outdoor advertisements is encouraged to be simple and efficient, with detailed assessments reserved only for those advertisements which would clearly cause a significant impact on the site or its surroundings. As with the above, the NPPF also states that control should be exercised only in the interests of amenity and public safety. These are therefore the principal issues for consideration in determining this application.

Amenity

- 7.4 The NPPG provides useful guidance on how “amenity” ought to be assessed for this type of application. “Amenity” is not defined exhaustively in the Advertisement Regulations. It includes aural and visual amenity factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest
- 7.5 The NPPG advises that 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. In assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
- 7.6 The signage would be located within a prominent and highly visible location adjacent to the A695, although relatively well related to the development that would be undertaken on the land that now has the benefit of outline and reserved matters approval. Given its nature as a marketing board the sign would not be a permanent feature and can be removed at the end of any five year period of consent.
- 7.7 In the context of the site and surrounding area, which includes highway related signage and larger commercial and industrial buildings to the north the proposed sign is not considered to result in any significant or harmful impacts upon the visual amenity of the area. Although still relatively large in scale, the reduction in the size is considered to result in an acceptable form of development in this location. The proposal would therefore not be harmful to the amenity of the area and as such the proposal would accord with Policies BE1 and NE1 of the Tynedale Core Strategy, Policy GD2 the Tynedale Local Plan and the NPPF.

Public Safety

- 7.8 The Advert Regulations state that 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;*
 - (ii) *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.*
- 7.9 The application has been assessed for its impact upon public safety by the Council's Highway Development Management Team (HDM). Initial comments raised an objection on the basis that the proposed signage was located within highway land. With this in mind and the size of the signage (3m x 12m total) there was a risk of the signage falling towards the carriageway, which was not acceptable.

- 7.10 A minor change has been made by relocating the sign in the same general area although now out of the highway land. Following re-consultation on this plan HDM raise no objection, and as such the proposal is not considered to result in any harm to public safety. The proposal would therefore be in accordance with Policy GD4 of the Tynedale Local Plan and the NPPF.

Other Matters

- 7.11 Prudhoe Town Council supports the application, although highlights the proximity to the Miner's Tub feature that is located in this area with some planting around it, although that is immediately adjacent to the footway. The proposed sign is not considered to impact upon the siting or amenity of this feature given its intended location.
- 7.12 The Council's Ecologists have been consulted on the application and have raised no objection on the basis the sign is not illuminated, and subject to conditions securing mitigation for any removal of trees, shrubs hedges. The applicant has confirmed that no removal is required and as such it is not considered reasonable or necessary for any conditions to be attached. Matters of biodiversity would not be subject to assessment as part of this application, although potential effects on landscape could be considered in relation to amenity. However, there are not considered to be any adverse effects in this instance.

Equality Duty

- 7.13 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.14 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.15 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 7.16 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.17 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 Having assessed the application against the relevant local planning policies and the National Planning Policy Framework, it is considered that the proposal represents an appropriate form of development in respect of matters of amenity and public safety. The proposal therefore accords with Policies NE1 and BE1 of the Tynedale Core Strategy, Policies GD2 and GD4 of the Tynedale Local Plan and the NPPF.

9. Recommendation

That this application be GRANTED consent subject to the following:

Conditions/Reason

01. STANDARD CONDITIONS.

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to -
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair

the visual amenity of the site.

4. Any structure or hoarding erected or used for the display of advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

Location Plan (amended location of sign received by email dated 30/08/2019)
Tyneview Board (amended sign design received by email dated 26/09/19)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The advertisement consent hereby granted will expire on 13 November 2024. The sign shall be removed from display on this day or before, unless a further consent has been granted.

Reason: In the interests of visual amenity in accordance with Policies NE1 and BE1 of the Tynedale Core Strategy, Policy GD2 of the Tynedale Local Plan and the National Planning Policy Framework.

Background Papers: Planning application file(s) 19/02277/ADE