



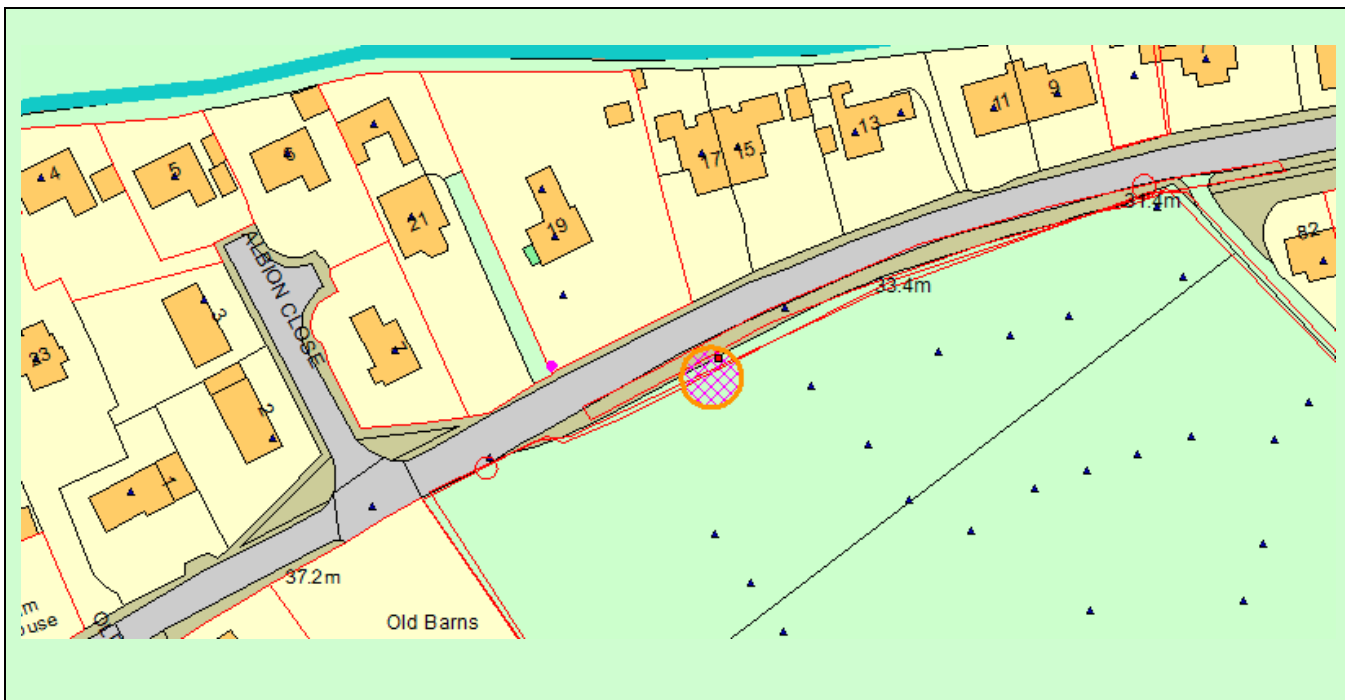
Northumberland County Council

Committee Report

North Northumberland Local Area Council 21st February 2019

Application No:	18/04030/ADE		
Proposal:	Advertisement Consent application for the erection of 1no. totem sign advertising housing development at Guilden Road		
Site Address	Land South Of Morwick Road, Warkworth, Northumberland,		
Applicant:	Mr David Brocklehurst 12 Bondgate Within, Alnwick, Northumberland, NE66 1TD	Agent:	None
Ward	Amble West With Warkworth	Parish	Warkworth
Valid Date:	16 November 2018	Expiry Date:	11 January 2019
Case Officer Details:	Name: Mrs Esther Ross Job Title: Planning Technician Tel No: 01670 622688 Email: esther.ross@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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Recommendation: That this application be APPROVED

1. Introduction

1.1 This application has been called in to be determined at Planning Committee by Cllr J Watson, due to the signage causing significant harm to the visual amenity of the area. It is to be heard at the North Local Area Committee.

2. Description of the Proposals

2.1 Retrospective consent is requested for the retention of a single sign located at the junction of Montagu Avenue and Morwick Road, Warkworth.

2.2 The non illuminated sign measures 2m in height and 1 in width and is set 1m from ground level. It advertises a neighbouring Cussins Homes site with the development name of Guilden Place. That site is located approximately 610m or 0.38m from this sign when accessed by road.

3. Planning History

Reference Number: 15/02437/DISCON

Description: Discharge of Conditions 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18 of Appeal Decision APP/P2935/A/14/2213611 (LPA ref: 13/00302/FUL): Change of use of agricultural land and construction of 37 residential dwellings, private gardens, access roads and public open spaces as amended by plans received with letters dated 16/9/13 and 27/09/13)

Status: WDN

Reference Number: 15/02897/VARYCO

Description: Variation of condition 2 (plans) relating to appeal decision ref APP/P2935/A/14/2213611 (refused planning application 13/00302/FUL)

Status: PER

Reference Number: 15/02954/NONMAT

Description: Non-material amendment relating to planning permission 13/00302/FUL allowed on appeal under reference APP/P2935/A/14/2213611 - Change of use of agricultural land and construction of 37 residential dwellings, private gardens, service roads and new public open spaces (as amended by plans received with letters dated 16/09/13 and 27/09/13) - Amendment relates to amendments to house type F

Status: PER

Reference Number: 16/00568/DISCON

Description: Discharge of conditions 4 to 13, 15, 17 and 19 relating to planning permission 15/02897/VARYCO -Variation of condition 2 (plans) relating to appeal decision ref APP/P2935/A/14/2213611 (refused planning application 13/00302/FUL)
Status: CONREF

Reference Number: 16/03230/NONMAT

Description: Non-material amendment to condition 2 (materials) relating to planning permission 15/02897/VARYCO
Status: APPRET

4. Consultee Responses

<p>Warkworth Parish Council</p>	<ol style="list-style-type: none"> 1. This sign, at the junction of Montagu Avenue and Morwick Road, is some distance from the Guilden Place Development. 2. The Guilden Place development cannot be accessed through the Montagu Avenue/Morwick Gardens estate and the sign, with its arrow, is misleading, causing confusion and potential danger. 3. There are no street name signs on Montagu Gardens or Barony Close, causing further confusion. 4. This sign is simply an advertisement which is totally inappropriate in such a location. 5. There is a perfectly adequate sign to the Guilden Place development at the end of Guilden Road. 6. The Parish Council understands from residents of Montagu Ave that there are restrictive covenants on their properties to prevent any commercial use in a residential area. It would appear that this is being flouted by Cussins themselves through the use of these advertising signs. 7. These are yet further retrospective applications by this particular applicant. The Parish Council objects to the manner in which the applicant displays their total disregard for both the NCC planning process and Warkworth village. 8. The site plan submitted is 1:500 scale, not 1:100 or 1:200 as per NCC guidance. 9. The site plan submitted does not show the dimensions of the banners.
<p>Highways</p>	<p>The sign is not within junction visibility splays and therefore does not restrict views of drivers exiting the junction onto Morwick Road.</p> <p>The proposed sign is not located within highway land (or prospectively adoptable highway land), therefore there are no highway safety concerns arising from the proposed signage.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	15
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

At the time of preparing this report 15 objections have been submitted in relation to this application. The objections are based on issues of highways safety, such as people entering Monatgu Avenue in the belief it is Guilden Place and then having to turn around in the roadway and the impact on the visual amenity of the street scene for a sign that is remote from the development it advertises.

Many of the objections also raise displeasure at the fact that the applications is being made retrospectively.

Issues relating to the completion of estate road are also cited but are not material in the determination of this application.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PI8HFLQSKAD00>

6. Planning Policy

6.1 Development Plan Policy

S16 General design principles - Alnwick LDF Core Strategy 2007

APPENDIX D Advertising - Alnwick District Wide Local Plan 1997

6.2 National Planning Policy

National Planning Policy Framework (2018)

National Planning Practice Guidance (2018, as updated)

6.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019)

7. Appraisal

7.1 The two matters for consideration in determining this application are the interests of amenity and public safety.

7.2 With regard to the impact on the visual amenity of the area the concerns raised by Cllr Watson, the Parish Council and the objectors are noted.

7.3 The sign in situ is of a size and appearance that could be expected of an advert of this type with a reasonably muted palette and constructed in materials suitable for its purpose. Therefore while it has a degree of prominence, as is required for such adverts to serve their purpose, it is not considered to be an overly dominant or intrusive feature within the street scene.

7.4 In addition to the above, Officers are mindful of an appeal decision for a sign at land South of Beal Bank that allowed a similar sign on the basis that the advertisement graphics would not be particularly large or garish in composition and form, nor would the sign be illuminated. Accordingly the Inspector concluded, due to the scale, proposed use of relatively subdued colours a stark contrast would not occur between the advertisement and its setting.

7.5 It is acknowledged that the sign subject to the appeal is located in a more rural setting and its impact would be in part be mitigated by it being set against a hedgerow. In this instance the sign is located on an area of open land however this is considered to be balanced by the sign being located in a more developed area of the settlement rather than on the more rural land surrounding Warkworth.

7.6 The sign is not located within the AONB or the Warkworth Conservation Area and by virtue of the size, appearance and temporary nature of the development it is not considered it has any impact on these designated areas or on the setting of the Grade II 'Old Barns'.

7.7 It is therefore considered that the sign is in accordance with S16 of the Alnwick LDF Core Strategy and QOP1 of the emerging Northumberland Local Plan, although only limited weight is given to the latter. While it is acknowledged that the proposal does not strictly follow the requirements of Policy BE13 and Appendix D of the Alnwick District Wide Local Plan 1997 it is considered that by virtue of the fact that it's a relatively modest temporary advert there would be no significant harmful effect on the visual amenity of the area.

7.8 Many of the objectors raised the issue of the sign causing drivers to enter the adjacent estate in the mistaken belief that it is the site advertised on the sign. It is the view of the objectors that this confusion represents a health and safety risk and is a matter of highway safety.

7.9 The Highways Team were consulted and returned comment that no issues of highways safety arose from the sign. The sign is not positioned such that it impedes

visibility splays at the junction and is not located on highways land and there is no illumination.

7.10 Therefore while objectors concerns regarding highway safety are duly noted there are no grounds for refusal on this basis as the access and egress of the junction is not compromised and anyone entering or leaving the estate can do so safely.

7.11 Regarding the other matters raised by the Parish Council and objectors including the scaling of the submitted plans, a restrictive covenant on the site, and the conduct of the site's developer these cannot be given consideration under this application as they are not material planning concerns.

Equality Duty

7.12 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

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

Human Rights Act Implications

7.14 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.

7.15 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.

7.16 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 The proposal is deemed acceptable as it does not have an undue negative impact on the visual amenity of the area and does not have an overly dominant appearance within its setting. Nor does it give rise to any matters of highway safety. Therefore the proposal is in accordance with paragraph 132 of the NPPF and saved policies S16 of the Alnwick Local Development Framework Core Strategy 2007 and Policy BE13 and Appendix D of the Alnwick District Wide Local Plan 1997.

9. Recommendation

That this application be GRANTED permission 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 be retained in complete accordance with the approved plans. The approved plans for this development are:-

Land at Morwick Road Signage Location Plan site no 115 drawing number
CUS-SLP-001 rev A

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

Date of Report: 01.02.19

Background Papers: Planning application file(s) 18/04030/ADE