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|-----------------|----------------------------------------------------------------------------------------------------------------------------|---------------|-------------|
| Site Address:   | 50-52 Creek Road, Hayling Island                                                                                           |               |             |
| Proposal:       | Installation of 2No. freestanding sail flag advertisements (max 2.4m high) to front forecourt of premises (amended height) |               |             |
| Application No: | APP/16/00512                                                                                                               | Expiry Date:  | 22/07/2016  |
| Applicant:      | Mrs Swan                                                                                                                   |               |             |
| Agent:          |                                                                                                                            | Case Officer: | Tina Pickup |
| Ward:           | Hayling East                                                                                                               |               |             |

Recommendation: **GRANT ADVERTISEMENT CONSENT**

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## **1 Site Description**

50-56 Creek Road is a single storey, flat roofed 'parade' of 4 retail units, located on the east side of Creek Road, just north of the new residential development on the former Kittiwake PH site. The application site relates to the southern two units which is in use as an A1 retail convenience store. The building is set back from the highway with a tarmaced forecourt large enough to park up to 4 customer cars. There is a 1.8m high close boarded fence along the southern boundary which divides off the parking area serving the Kittiwake flats. The northern boundary is simply a post and rope dividing off the parking area to the northern units which appear currently vacant.

Opposite the site are a line of terraced two storey residential dwellings. The area north of Sandy Point Road/West Haze Road is generally residential in character (with the exception 50 - 54 Creek Road), including caravan sites having 10 month occupancy; south of Sandy Point Road/West Haze Road includes a row of retail and commercial premises surrounded by residential - this area is not however identified as a designated Local Centre in the Local Plan.

The shop is open between 5am and 9pm seven days a week.

## **2 Planning History**

APP/15/01216 - Erection of flat roof brick store to rear of 50-52 Creek Road. Removal of existing container on completion of the works and formation of 2No. parking bays to rear of shop., PERM,28/01/2016

APP/15/01218 - Retention and replacement of plant/machinery (extraction/refrigeration/ventilation units) to the rear (east) elevation of 50-52 Creek Road Convenience Store. (Part retrospective application.), PERM,10/02/2016 14:57:30

## **3 Proposal**

As originally submitted the application proposed 2No. freestanding sail flag advertisements which would have a maximum height of 3.85m high, to be sited in the north-west and south-west corner of the front forecourt ie adjacent the highway at the corners of the forecourt. Each sail flag would have a height of 3.11m with a 340mm base pole and would be placed in a concrete base giving the overall height of 3.85m.

During the course of determining the application amended plans have been received reducing the size of the flag adverts to 2No. 2.06m high, on bases giving a total height of 2.4m above the concrete base..

#### **4 Policy Considerations**

National Planning Policy Framework 2012

Havant Borough Local Plan (Core Strategy) March 2011  
CS16 (High Quality Design)

Havant Borough Local Plan (Allocations) July 2014  
DM21 (Shopfronts, Signs, Security Shutters and Advertisements)

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable.

#### **5 Statutory and Non Statutory Consultations**

Development Engineer - no adverse comment

#### **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3 - 2 of which are from the same objector to both the original and revised plans:

**Summary: Original plans** object - 3 large signs on shop visible as approach from Creek Road; also metal freestanding signs; residential area and customers know where shop is, no benefit of unsightly flapping flags; Council asked for these to be removed as were installed without planning permission; were put up against boundary fence where could cause damage as were catching on fence; none others on mini marts on Creek Road; residential area not holiday destination; strong winds come off sea; keep area free of these excessive advertising boards that are an eyesore.

**Revised plans** - even lower what gain do they bring to area; enough advertising to front; applicant twice requested height of fence to Kittiwake car park to be lowered and declined by residents; flags will not be visible so why bother; if permitted would like them 6 feet from boundary fence so as not to cause any damage. Impact on residents opposite site from blowing and flapping of flags in windy conditions and risk of falling over causing hazards to traffic and customers.

**Comment:** these issues will be considered below.

## 7 Planning Considerations

Applications for the display of advertisements can only be considered in the interests of amenity and public safety, having regard to the development plan and any material considerations. These will be referred to in their relevant considerations below. The flag signs were previously displayed, but removed from the site when the applicant was alerted to the fact that they needed advertisement consent.

In general terms it is noted that these sail flag style adverts seem to be a growing phenomenon and are being gradually displayed throughout the Borough. In many cases they can be displayed lawfully without the need for advertisement consent by virtue of the 'deemed consent' provisions of the Advertisement Regulations. In this particular case, however, the adverts applied for do require advertisement consent as they exceed the aggregate area tolerances of Class 6 of the Regulations, albeit only by 0.75sqm (the aggregate area of the flags being approx 5.35sqm compared to the deemed consent allowance of 4.6sqm).

- (i) Amenity
- (ii) Public Safety

### (i) Amenity

The proposed flag sails comprise commercial adverts for 'The National Lottery' and 'Premier'. In their amended reduced form they would project above the adjacent fence to the south by approximately 0.4m and would be seen in long distance views from both north and south along Creek Road. Since the shop is a double unit, representing two units out of 4 of old established retail/business units, it is considered appropriate to allow 2 flags (one in front of each unit) as this will not represent visual clutter. It could be argued that this could set a precedent for two more within this parade of shops, however, considering Hayling's emergence as a Windsurfing destination, this is not necessarily inappropriate to the context of the wider area.

In terms of the more immediate area, with the exception of the parade of commercial premises to which the application site belongs, the surrounding area is primarily residential and as originally submitted, the overall 3.85m height was considered overly large and prominent - the reduced flag height of 2.4m is better proportioned to the flat roofed single storey nature of the site and also the surrounding residential area, as required by Policy DM21. As discussed above, it also only marginally exceeds the normal deemed consent allowances. The precise siting of the proposed sail flags, in the front corners of the shop forecourt, means that the southern most flag would be adjacent to the fence serving the new Kittiwake flats car park. This fence is new (relative to the presence of the retail units) and does partially block the long distance views of the single storey flat roofed retail unit behind as well as affecting driver visibility. However the height of the fence is beyond the applicant's control and these signs would help to provide a long distance presence of the shop. With regard to residential amenity, the flags lie adjacent to Creek Road and as such will be approximately 18m from the nearest dwellings, separated by either the car park of the Kittiwake flats or Creek Road, both of which will create intervening traffic noise - informal discussions with the environmental health team indicate that similar flags have not given rise to noise complaints in other contexts.

As soft fabric, that will billow in the wind, then if the flags do hit the fence to the south this is more likely to damage the flag than the fence. It is a standard requirement of

the Town & Country Planning (Control of Advertisements) Regulations 2007 that any advertisement displayed is maintained in a condition that does not impair the visual amenity of the site; does not endanger the public; and when removed the site be left in a condition that does not endanger the public or impair visual amenity. The applicant has advised that she will place these flags out daily, between approximately 8am and 9pm, bringing them in overnight, and will operate a common sense approach to the windy conditions - if too windy and likely to be damaged she will not display them. Whilst the display of the signs between 8am - 9pm can be conditioned in order to protect residential amenity at times when the locality is likely to be quieter with less traffic noise, the varied timing of display according to weather conditions is not however something that can be conditioned because it would be unenforceable - once consented it would be up to the applicant whether to display them within the more general time limits. They will not be able to be placed 6 feet from the fence as requested by the objector as this would block the parking spaces.

On balance it is considered that the reduced height of the flag sail signs would have no material harm on the amenity of the wider area and is therefore considered to be in accordance with policy DM21 of the Allocations plan.

(ii) Public Safety

- 7.3 The proposed flag sail signs are not illuminated and are not considered to be a distraction to drivers. They would help to identify the presence of the shop so would arguably aid drivers. Whilst concern has been raised about their safety in windy conditions, as portable advertisements this is a matter which can be easily managed by the applicant and would not form a sustainable reason for refusal of the application. The development engineer has raised no objection. As such there is no objection on highway or public safety grounds.

8 Conclusion

The proposed signage, in its reduced form, is considered to be appropriate to the site and its context, and would not have any detrimental effect on either amenity or public safety. It is recommended to grant advertisement consent.

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9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT ADVERTISEMENT CONSENT** for application APP/16/00512 subject to the following conditions:

- 1 (a) 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.
- (b) No advertisement shall be sited or displayed so as to:
  - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (c) 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.

(d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(e) 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.

**Reason:** As required by the provision of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the sail flag advertisements hereby permitted shall only be displayed between the hours of 08:00 and 21:00.

**Reason:** To protect the amenities of nearby residential properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and DM21 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan

Revised Flag Details specifying 2 x small flags 2400mm from ground, 2060 flag height

2 x Flag Diagrams

**Reason:** - To ensure provision of a satisfactory development.