

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 17 December 2020

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **Bulverhythe Retail Park, Bexhill Road, St Leonards-on-sea**

**Proposal:** **Proposed Managing Agent Sign on Existing Totem**

**Application No:** **HS/AA/20/00587**

**Recommendation:** **Grant Advertisement Consent**

Ward: WEST ST LEONARDS 2018  
Conservation Area: No  
Listed Building: No

Applicant: Estates Service Muriel Matters Breeds Place  
Hastings TN34 3UY

**Public Consultation**

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -  
Council application on Council owned land

## 1. Site and surrounding area

This application relates to an existing totem pole to support advertisements for businesses within the site. The totem pole was approved under application HS/AA/18/00621 and is positioned to the front of the site near the access of the Bulverhythe Retail Park. This retail site was originally approved under application HS/FA/17/00941 for the erection of two buildings to provide one supermarket (A1) and two smaller A1/A3 units, with a revised scheme approved under application HS/FA/19/00495 for the sub-division of the two smaller units into three units. The units have now all largely been built and completed on site, with

an Aldi Supermarket, Costa Coffee and Greggs. The site is located in an area containing a mix of residential, commercial and industrial premises and is abutted by the busy Bexhill Road with residential properties positioned opposite and to the east of the site. To the rear of the site there is a building yard, Hastings Self-Storage facility and a waste transfer facility. It is acknowledged there are a number of signs affixed to the units of the retail park and the associated totem pole which can easily be seen from the public realm.

### Constraints

SSSI Impact Risk Zone (threshold not exceeded)  
Land Owned by Hastings Borough Council  
Groundwater Flooding  
Pevensey Cuckmere Water Levels Board  
Climate Change Outline Tidal 200 Years and 1000 years 20%  
Authorised and Historic Landfill Site 250m Buffer  
Flood Zones 2 and 3 Environment Agency

## **2. Proposed development**

This application is seeking consent for a sign to be placed at the base of the approved totem pole. The sign advertises the management company associated with the site. The approved totem pole is positioned adjacent to the entrance of the Bulverhythe Retail Park.

The proposed sign will measure 0.65m from the ground and will measure 0.6m in height by 1.6m in width. The sign will be positioned to sit fairly flush on the existing totem and will project 0.003m. The sign will be constructed of aluminium with black and orange cut vinyl graphics on a white background and will be non-illuminated.

### **Relevant planning history**

- HS/AA/20/00193 Three vinyl graphics to side and rear elevations (amended description)  
Permission with conditions on 26/06/20
- HS/AA/19/00946 Proposed signage:  
Sign 01: 2070 x 2470mm Internally illuminated Aldi Logo Signcase Sign  
02: 760 x 2150mm non-illuminated Aldi Welcome Vinyl on glazing Sign  
03: 1240 x 1480mm non-illuminated Aldi Logo Vinyl on glazing Sign 04:  
2070 x 2470mm Internally illuminated Aldi Logo Signcase Sign 05: 1600  
x 1600mm Double faced, internally illuminated Aldi Logo Signcase on  
Totem.  
Permission with conditions on 06/04/20
- HS/FA/19/00927 Variation of conditions 2 (Approved Plans) 5 (Car Parking) 6 (Cycle  
Parking) and 22 (Soft Landscaping) of Planning Permissions  
HS/FA/19/00495, HS/FA/18/00562 and original consent  
HS/FA/17/00941(Redevelopment of site to form 2 buildings comprising  
A1 & A3 units) - Amendments - Elevational alterations to Unit 2 and  
alterations to the landscaping in the vicinity of the retail units in the  
addition of 3 small litter bins  
Permission with conditions on 11/02/20

- HS/FA/19/00495 Variation of conditions 2 (Approved Plans) 5 (Car Parking) 6 (Cycle Parking) and 22 (Soft Landscaping) of planning permission HS/FA/18/00562 (Variation of Condition 27 (Opening Hours) of planning application HS/FA/17/00941) Amendments - Elevational alterations and sub-division of Units 2 and 3 to provide an additional Use Class A1/A3 unit, enlarge refuse area, alterations to landscaping and outdoor seating, replacement ornamental boundary treatment, hard landscaping changes and extension to timber fence.  
Permission with conditions on 08/10/19
- HS/AA/19/00545 Three fascia signs and two internal posters to unit 2 (amended description).  
Permission with conditions on 13/09/19
- HS/FA/19/00544 Three fascia signs and two internal posters to unit 2 (amended description).  
Permission with conditions on 13/09/19
- HS/FA/18/00929 Variation of conditions 2 (approved plans) and 10 (Traffic Regulation Order) of HS/FA/18/00562 and HS/FA/17/00941 (Demolition of existing buildings on site and erection of two buildings to provide one supermarket (A1) and two smaller A1/A3 units along with the relocation of vehicular access, provision of car and cycle parking, delivery and servicing facilities, hard and soft landscaping and associated development)) - Variations include external materials of units 2 and 3, amendment to site layout and soft landscaping along with clearance and demolition work timing.  
Permission with conditions on 19/02/19
- HS/FA/18/00562 Variation of Condition 27 (Opening Hours) of planning application HS/FA/17/00941.  
Permission with conditions on 13/09/18
- HS/AA/18/00621 1 no. illuminated totem sign  
Permission with conditions on 05/09/18
- HS/FA/17/00941 Demolition of existing buildings on site and erection of two buildings to provide one supermarket (A1) and two smaller A1/A3 units along with the relocation of vehicular access, provision of car and cycle parking, delivery and servicing facilities, hard and soft landscaping and associated development.  
Permission with conditions on 07/06/18

### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

#### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

## Other policies/guidance

National Design Guide

Supplementary Planning Document - Shopfronts and Advertisements

Highways East Sussex County Council Minor Planning Application Guidance (2017)

## National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay. Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 132 states that advertisements which are poorly sited and designed can harmfully affect the quality and character of places. It further states that applications for advertisement consent should be assessed having regard to the interests of amenity and public safety only, having regard to cumulative impacts.

## **3. Consultation comments**

East Sussex County Council Highways - **No objection subject to conditions**

1. There shall be a minimum clearance of 2.1 metres from the footway/verge level to the underside of the projecting sign.
2. The level of illumination shall not exceed that recommended by the Institute of Lighting Engineers in its current Technical Report Number 5.

The proposed sign will be attached to the existing totem pole and will sit fairly flush, as such the existing arrangement will remain the same and so it is not considered this condition is required in this instance.

The proposed sign will be non-illuminated, as such it is not considered that this condition is relevant in this case.

#### **4. Representations**

In respect of this application a site notice was displayed to the front of the site along Bexhill Road. No responses were received.

#### **5. Determining issues**

The Town and Country Planning (Control of Advertisements) Regulations 2007 require that applications for advertisement consent are assessed in terms of their impact on amenity and public safety. There are no specific local plan policies in respect of advertisements but general policies such as DM1 and DM3 of the Hastings Development Management Local Plan (2015) apply, which require development to have regard to both the character of the area and neighbouring residential amenity.

##### a) Impact on amenity

Policy DM3 (i) of the Hastings Local Plan - Development Management Plan (2015) states, outdoor advertisements and signs should not detrimentally affect the appearance of any building(s) and/or the surrounding area and should not result in a danger to the public highway.

The proposed agent sign is to be attached to the existing totem pole which displays the name of the site and the businesses within. It is located at the entrance of this park but set back from the public highway. The totem pole is situated within the approved development site which comprises of an Aldi supermarket (A1) and a number of smaller A1/A3 units. As mentioned above the site is located in an area containing a mix of residential, commercial and industrial premises and is located nearby to the busy Bexhill Road. As such, the proposed agent sign will be visible from certain viewpoints.

The proposed agent sign will be of a moderate size and will be attached to the brickwork base of the existing totem pole. The development site is not listed or within a conservation area or nearby to any listed buildings or conservation areas. The design of the proposed sign will provide a professional appearance and will relate well to the existing totem and other signs attached and is considered appropriate and acceptable within this commercial setting.

As noted above, the site is located nearby to residential uses with residential properties positioned opposite and to the east of the site. As such, any proposed signage needs to be carefully considered to ensure that it does not harmfully impact upon the amenity of the neighbouring properties. The proposed agent sign will be non-illuminated with the white vinyl being non-reflective. It is also acknowledged that the existing totem and associated signage faces away from the neighbouring properties opposite the site and is positioned a considerable distance away. As such, it is not considered that the proposed agent sign will

have a harmful impact upon any of these neighbouring properties. No objections have been received from members of the public following consultation.

In view of the above, it is considered the proposed agent sign will not harm the character and appearance of this approved commercial area or the surrounding residential area and is thereby in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

#### b) Impact on public safety

Policy DM3 (i) of the Hastings Local Plan - Development Management Plan (2015) states, outdoor advertisements and signs should not detrimentally affect the appearance of any building(s) and/or the surrounding area and should not result in a danger to the public highway.

The proposed agent sign is to be attached to the existing totem pole which advertises the park and is located at the entrance of this park but set back from the public highway. Although, it is acknowledged that the sign will be visible from certain viewpoints. This will however be lessened by the signs position at the base of the existing totem pole with the sign to be non-illuminated and the white vinyl to be non-reflective. The sign will be positioned fairly flush on the existing totem and will not move or overhang the public highway as to not cause obstruction to pedestrian flow or the views of passing vehicles. The proposed sign meets the requirements of the Highways East Sussex County Council Minor Planning Application Guidance (2017) and ESCC Highways have concluded that they raise no objections to the proposals subject to conditions. However as discussed earlier in this report, the proposed conditions would not be required here given that the sign is proposed to be located on the existing totem and the sign is not illuminated. Given the above, it is not considered that the sign will be prominent or harmful to public safety, the proposal is acceptable in this regard and complies with Policy DM3 and DM4 of the Hastings local Plan - Development Management Plan (2015).

## **6. Conclusion**

Taking the above assessment into account, the proposed agent sign will be moderate in size, non-illuminated and will be attached to the existing totem pole. This proposed sign is considered appropriate and acceptable on this existing totem pole within this commercial setting. As such, it is considered the proposal will not harm the local amenity or public safety. The proposal is therefore in compliance with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007, Policies DM1, DM3 and DM4 of the Hastings Local Plan and the relevant sections of the National Planning Policy Framework, and, therefore it is recommended that consent is granted subject to the attached conditions.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

## **7. Recommendation**

### **Grant Advertisement Consent subject to the following conditions:**

1. The advertisement hereby permitted shall be carried out in accordance with the following approved plans:  
  
Site location plan (ESAD 1828), block plan (BG/I3/1/1), existing totem (001 revision 1) and proposed managing agent sign on existing totem (002 revision 1)
2. This consent is for ten years from the date of this decision and is subject to the standard conditions set out in the Regulations
3. 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.
4. 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.
5. 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.
6. 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.

### **Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.

3. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
4. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
5. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
6. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.
  2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
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### **Officer to Contact**

Mrs L Fletcher, Telephone 01424 783261

### **Background Papers**

Application No: HS/AA/20/00587 including all letters and documents