

**COMMITTEE REPORT  
ITEM NUMBER:**

APPLICATION NO. 20/03111/ADV  
LOCATION **Former Dairy Crest Site, Adj. 36 Mill Lane Yateley  
Hampshire GU46 7TN**  
PROPOSAL Display of 1 x non illuminated pole mounted signage, 2 x non  
illuminated off fence mounted signage and 1 x non  
illuminated fascia signage.  
APPLICANT Mrs Nicola Langston  
CONSULTATIONS EXPIRY 14 April 2021  
APPLICATION EXPIRY 11 May 2021  
WARD East Yateley  
RECOMMENDATION **Grant, subject to conditions.**



## BACKGROUND

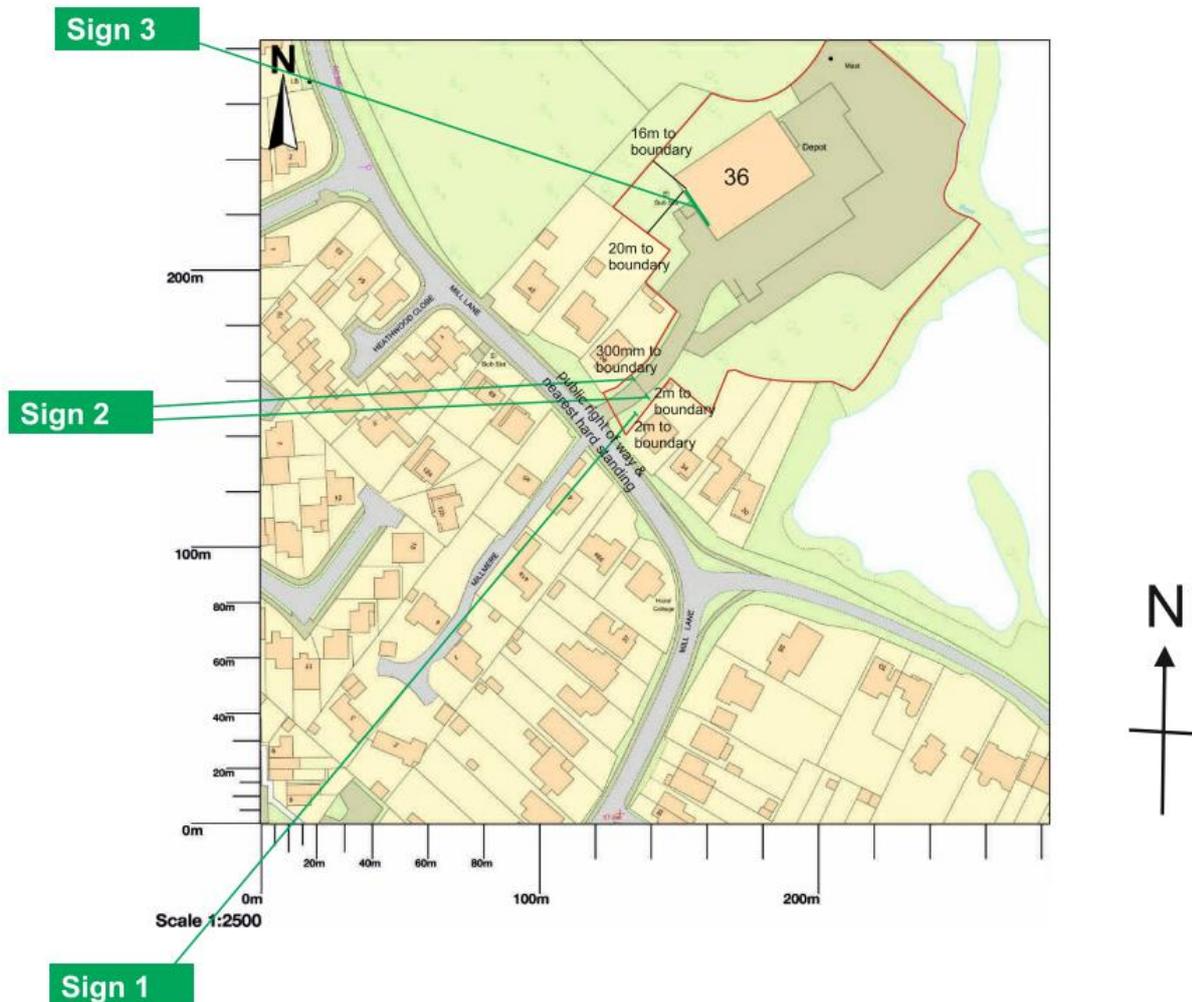
This advertisement consent application has been referred to Planning Committee at the discretion of the Head of Place due to the number of objections received to the proposal.

## SITE

The application site accommodates a warehouse/depot and associated parking and manoeuvring areas. It sits behind the residential curtilage of seven detached properties that front onto Mill Lane, Yateley. However, there is a gap in between them that allows a narrow frontage of the site to be visible and accessed via Mill Lane. The access gates are set well back from the back edge of the pavement.

There is a tool/plant hire business operating from the site that was granted planning permission (ref: 17/02790/FUL) in March 2018 to operate from the site but only for the storage of equipment, with an ancillary element of maintenance and washing/cleaning.

### 36 Mill Lane, Yateley, GU46 7TN



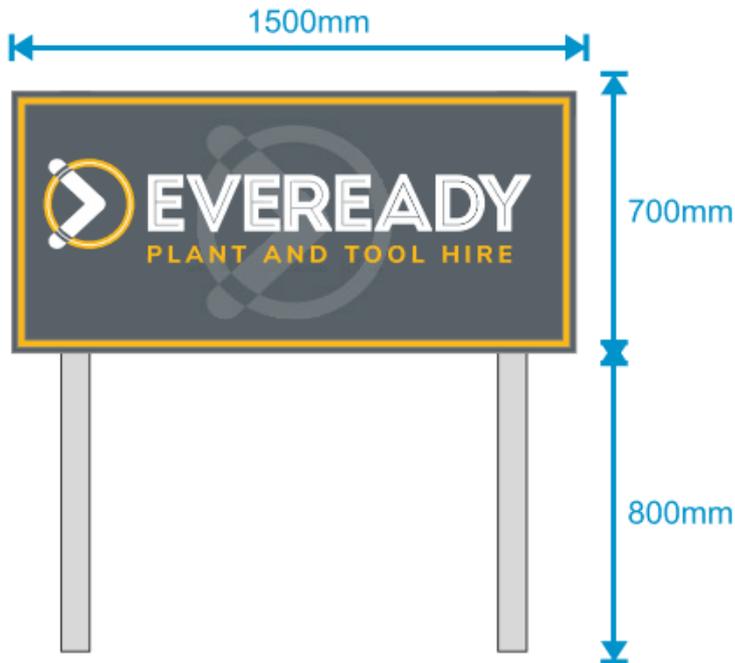
## PROPOSAL

Advertisement consent is sought for four signs. Their details are as follows:

All the signs would have a grey background with white and yellow lettering and yellow lines.

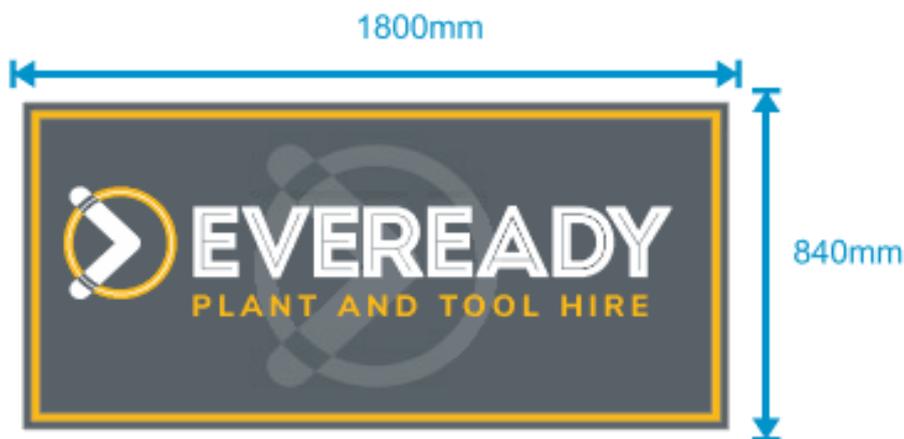
Sign 1

Non-illuminated sign mounted on posts. It would be 0.8m above the ground and would measure 1.5m by 0.7m. It would be installed 12m away from the back edge of the pavement along Mill Lane.



Sign 2 (x2)

Non-illuminated signs mounted on the palisade fencing that adjoins the access gates to the site. The application form states they would be 0.3m off the ground and would measure 1.8m by 0.84m. These signs would be approximately 17m away from the back edge of the pavement to Mill Lane.



Sign 3

Non-illuminated fascia sign mounted on the front elevation of the building above the main entrance. It would measure 6m by 1m and would be located 3m off the ground.



## RELEVANT PLANNING HISTORY

19/01806/AMCON- Refused, 01.10.2019

Variation of Condition 3 attached to Planning Permission 17/02790/FUL dated 09/03/2018 to amend the hours of operation of the storage and distribution use to 0600-1830 hrs Monday to Friday and 0800-15.30 hrs on Saturdays, no activities or deliveries shall take place outside the above hours, or on Sundays or public holidays.

18/02463/FUL- Refused, 25.01.2019

Engineering works comprising the formation grasscrete hard standing; minor amendment to the wash down facility (17/02790/FUL).

17/02790/FUL- Granted, 09.03.2018

Use of land and building as a plant / tool storage and distribution depot (Use class B8) related to a hire business (off-site); with associated external works (partly covered platform at rear, external washdown area with 2m high wall enclosure, palisade fencing and gates 2 no. to front of building, chain-link perimeter fence, and hardstanding car parking area with green fence along the entrance to site).

87/15492/OUT - Refused 21.09.1988

Erection of 50 No. dwellings (Formerly Unigate Dairies Mill Lane Yateley).

72/04878/H6 - Granted conditionally 08.08.1972

Erection of portal framed structure as an extension of existing milk depot (Formerly Unigate Dairies Mill Lane Yateley).

70/04878/H4 - Granted conditionally 20.08.1970

Use of part of dairy depot for repacking potatoes (Formerly Unigate Dairies Mill Lane Yateley).

68/04878/H3 - Granted conditionally 28.05.1968

Erection of milk distribution depot building (Formerly Unigate Dairies Mill Lane Yateley).

## CONSULTEES RESPONSES

### Hampshire County Council (Highways)

No objection.

### Yateley Town Council

No objection.

- The application address is incorrect and should show as Dairy Crest Ltd. Members also

agreed that three signs would be sufficient, rather than the four proposed

### **Environmental Health (Internal)**

No comment to make.

### **Ecology Consult (Internal)**

No objection.

## **NEIGHBOUR COMMENTS**

It should be noted that the statutory requirements for publicity, as set out in the DMPO 2015 (as amended) are in this case the notification of the adjoining properties or the display of a site notice. The Council's SCI has now been amended so that we are only required to carry out the statutory publicity requirements, thus in this case it is not necessary to display a site notice.

Neighbour Letters were sent to neighbouring properties. The 21-day public consultation expired on 14.04.2021. At the time of writing the officer's report there had been 12 public representations received. The summary of objections is below.

- 3 large signboards at the entrance with identical messages goes far beyond what is necessary.
- Mill Lane is a residential area, and these signs are totally inappropriate.
- Some signage may be needed for postal deliveries, but the nature of this business does not need to attract passing trade.
- Sign 1 would be in front of signs 2, this is the only business in the residential area, signage is unnecessary.
- Signs 1 and 2 are ill-fitting in this unspoiled residential area.
- Need for obvious signs suggest business is planning to expand.
- 3 large signs at the entrance are out of character with the area.
- Sign 3 to the front of the building would not be visible from Mill Lane.
- Sign 3 would accentuate an undesirable and evolving commercial retail park.

Other planning related concerns raised relate to noise and disturbance, large vehicles coming into the site and increased business. However, these issues are not relevant as this application is only seeking advertisement consent.

## **CONSIDERATIONS**

### PLANNING POLICY

The relevant plan for Hart District is the Hart Local Plan: Strategy and Sites 2016-2032 (HLP32) and saved policies of the Hart District Local Plan (Replacement) 1996-2006 (DLP06). The adopted and saved policies are up-to-date and consistent with the NPPF (2019).

### Hart Local Plan - Strategy and Sites 2016-2032 (HLP32)

NBE9 - Design

NBE11 - Pollution

INF3 - Transport

### Saved Policies of the Hart District Council Local Plan (Replacement) 1996 - 2006 (DLP06)

Other relevant material considerations

Town and Country (Control of Advertisements) (England) Regulations 2007  
National Planning Policy Framework 2019 (NPPF)  
Planning Practice Guidance (PPG)

The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country (Control of Advertisements) (England) Regulations 2007 and the Regulations confirm that advertisements should be controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development.

The Regulations require 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.

Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary, or offensive to public morals.

"Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, but it is indicated to include aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. 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.

So, 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.

Factors relevant to public safety are specified in regulation 3. It is confirmed that public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

The Regulations note that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.

VISUAL AMENITY

HLP32 Policy NBE9 seeks to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area. Saved policy URB24 allows advertisements that are related to the scale and character of the building and its setting in terms of its siting, size, materials, degree of illumination and visual intrusion.

Paragraph 132 of the NPPF also reinforces the above objectives by stating: *'the quality and character of places can suffer when advertisements are poorly sited and designed... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'*

In terms of the three advertisements at the entrance of the site (signs 1 and 2(x2)), they would be visible from the public domain. It has been previously described that the access to the site is through a wide gap in the bungalows that front onto Mill Lane. This access features green verges at either side which adjoins the close boarded timber fencing of the adjoining dwellings. This irregular area measures on average 13m wide by 17m deep (to the entrance gates).



Figure 1 - Entrance to the site as existing.



Figure 2 - Proposed Sign 1 at the entrance.

The pole mounted sign (Sign 1) would be located close to the side elevation of the residential dwelling at 36 Mill Lane and the sign would be visible from the windows in the side elevation of that dwelling at both ground and first floor level, although the existing 1.8-metre-high close boarded fence along the boundary of the dwelling would screen the sign to some extent. However, given the sign would not be illuminated and would be located in excess of 5 metres from the side wall of the dwelling and would be positioned virtually side on to the dwelling it would not have any significant impact in outlook terms.

The smaller signs (Sign 2) on the existing palisade fencing would also be visible from the side garden and windows on No.36 but again would not have any adverse impact on amenity grounds.



Figure 3 - Palisade fencing at the entrance.



Figure 4 - Signs proposed fixed to palisade fencing.

The signs would also be visible from No.38 and other dwellings on the opposite side of Mill Lane, but given the distances involved and the lack of illumination to the signs, this would not give rise to any adverse amenity issues sufficient to warrant refusal of the application.

The advertisements on the access road would only be visible from Mill Lane in the immediate vicinity of the access road and would not be prominent in the street scene. Whilst it is acknowledged that the area is predominantly residential in character and that there are no other advertisements in the immediate vicinity, the commercial premises is authorised and has been present on the site for a number of years. There are also well-established trees on both sides of the access road which would further screen the proposed advertisements from public view.

In terms of the fascia sign proposed to the frontage of the building (sign 3), this would not be visible from the public domain, but it would be visible from the rear gardens and windows of the adjoining properties. However, the advertisement would be approximately 47m away from the rear elevation of closest residential dwelling and it is noted there are mature trees present that would soften views towards the application site.



Figure 5 - Fascia sign proposed for the existing building.

The surrounding area has no special designated characteristics and has no important scenic, historic, architectural or cultural features.

Therefore, these advertisements would not have a material impact on the amenity of the locality and would comply with the objectives of adopted policy NBE9 of the HLP32, saved policies GEN1 and URB24 of the HDLP06 and paragraph 132 of the NPPF.

### PUBLIC SAFETY

The proposed advertisements have been considered by the Local Highway Authority and they have raised no objection on highway safety grounds. The proposal would not present any safety issues with pedestrians or cyclists. As such no public safety concerns are anticipated with the proposed adverts.

The advertisements would therefore comply with adopted policy INF3 of the HLP32, saved policies GEN1 and URB24 of the HDLP06 and the NPPF in this regard.

### CLIMATE CHANGE

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District.

The motion agreed by the Council is:

i "Following the successful adoption of Hart's Climate Change Action Plan, this Council now wishes to declare a climate emergency, which commits us to putting the reduction of CO2 in the atmosphere at the front and centre of all policies and formal decision making, particularly Planning, and will:

1. Pledge to make Hart District carbon neutral by 2040 whilst bringing forward the current 2040 target to 2035 for areas under direct control of Hart District Council.
2. Report to full Council every six months setting out the current actions the Council is taking to address this emergency and the plan to measure annual District wide progress towards meeting the 2040 target.
3. Meaningfully engage with the local community and to work with partners across the District and County to deliver these new goals through all relevant strategies and plans drawing on local, national, and global best practice.
4. Actively work with Hampshire County Council and the Government to provide the additional powers and resources needed to meet the 2040 target.
5. Actively encourage and push for Hampshire County Council to reduce its target for net zero Carbon to 2040, acknowledging that 2050 is too far away for such an emergency."

Policy NBE9 of the HLP32 requires developments to be resilient and aims to reduce energy requirements through carbon reduction and utilisation of energy generating technologies.

This advertisement consent application is not considered to raise any climate change issues.

## EQUALITY

The Equality Act 2010 legally protects people from discrimination in society. It replaced previous anti-discrimination laws (Sex Discrimination Act 1975; Race Relations Act 1976 and Disability Discrimination Act 1995) with one single Act.

The public sector Equality Duty came into force on 5 April 2011 In Section 149 of the Equality Act. It means that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy and delivering services.

The public sector Equality Duty requires that public bodies have due regard to the need to:

eliminate discrimination; advance equality of opportunity; and foster good relations between different people when carrying out their activities.

The relevant protected characteristics as set out in the public sector Equality Duty are - age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

Due regard is given to the aims of the general Equality Duty when considering applications and reaching planning decisions in particular the aims of eliminating unlawful discrimination,

advancing equality of opportunity and fostering good relations between those who share a protected characteristic and those who do not share it.

The advertisements, the subject of this application, are not considered to raise any equality issues.

## **CONCLUSION**

The proposed advertisements would be acceptable in terms of visual amenity as they are non-illuminated and would be of relatively modest size. They would not be widely visible in the public domain and therefore the amenity of the locality would not be materially affected.

In terms of public safety, the advertisements would not present a distraction to drivers to the extent that they would result in a public safety hazard. It is also noted that the Local Highway Authority has not raised any concerns on these grounds.

As such the advertisements proposed would comply with the objectives of the relevant policies of the HLP32, DLP06 and the NPPF (2019) cited in this report.

The advertisement consent application is therefore recommended for conditional approval.

## **RECOMMENDATION – Grant, subject to conditions.**

### **CONDITIONS**

- 1 This consent shall expire at the end of a period of five years from the date of this notice.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

- 2 The advertisements hereby approved shall be installed in accordance with document ref: 78021, Pages Titled - Sign Number 1, Sign Number 2, Sign Number 3, drawings no. LaVasstu/2017/141/02 (x 2 Location Plan)

REASON: To ensure that the advertisements are carried out in accordance with the approved details and in the interest of proper planning.

- 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.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations

- 4 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.

REASON: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations.

### **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance the applicant was advised of the necessary information needed to process the application and once received, the application was acceptable and no further engagement with the applicant was required.