

# Planning Committee

26 May 2021



<b>Application Nos.</b>	21/00604/ADV		
<b>Site Address</b>	33 Hanworth Road Sunbury On Thames TW16 5DA		
<b>Proposal</b>	Advertisement consent for the display of 3 no. non illuminated fascia signs which read "Join our co-work community SpelthorneBusinessHub.com", "Spelthorne Borough Council" and "COTRIBE" above the main entrance.		
<b>Applicant</b>	Spelthorne Borough Council		
<b>Ward</b>	Sunbury East		
<b>Call in details</b>	The applicant is Spelthorne Borough Council and in accordance with the Planning Code (paragraph 38) this application is being reported to Committee for a decision.		
<b>Case Officer</b>	Vanya Popova		
<b>Application Dates</b>	Valid: 28.04.2021	Expiry: 23.06.2021	Target: Under 8 Weeks
<b>Executive Summary</b>	This application comprises an advertisement consent application for the display 3 no. non illuminated fascia signs located in the middle of the front elevation of the building.  The proposal is considered to be acceptable in terms of its impact on visual amenity of the area and on highway safety.		
<b>Recommended Decision</b>	This application is recommended for approval, subject to conditions as set out at Paragraph 8 of the Report.		

## MAIN REPORT

### 1. Development Plan

- 1.1 There are no policies in the Council's Core Strategy and Policies DPD 2009 which refer to advertisements. However the advice contained within Paragraph 132 of the National Planning Policy Framework (NPPF) 2019 is relevant as it specially refers to advertisements.

## 2. Relevant Planning History

- 2.1 The Council holds records of previous planning applications being determined at the site, the latest being 1999. There has been no recently planning history although the site was last used for office purposes.

## 3. Description of Current Proposal

- 3.1 The application site relates to a two- storey commercial building which is located on the southern side of Hanworth Road in Sunbury-On-Thames. The building was previously occupied by a company called Cyntergy who provided Point of Sale solutions to retailers. The company went into administration in early 2020. Junction 1 of the M3 passes to the north west of the site and Country Way (A316) is located to the north. On the other side of the road are a number of commercial buildings. The western boundary adjoins a single storey commercial building. Further to the west is the former 'Summit Business Centre'. In terms of planning constraints, the subject site is situated within the area defined as Hanworth Employment Area and within the 1 to 1000 year flood zone area.
- 3.2 The applicant seeks advertisement consent to display 3 no non illuminated fascia signs made from aluminium composite panels with printed vinyl to the face. The adverts will read, "Join our co-work community SpelthorneBusinessHub.com", "Spelthorne Borough Council" and "COTRIBE". They will be located above and either side of the main entrance to the front of the building which is in a central location. The logos of Spelthorne Borough Council, SpelthorneBusinessHub and COTRIBE need consent due to being over 0.75 metres in height. In addition, the highest part of the signage above the main entrance (SpelthorneBusinessHub) will be at more than 4.6 metres above ground-level. There will be an additional sign which will replace an existing signage which will read, "Welcome to Summit House". This sign does not need consent.
- 3.3 The building is to be occupied by Spelthorne Hub Business Incubator which will provide a choice of hot desks, permanent desks and served office facilities including access to meeting rooms. The Incubator will aim to provide a base for new start-ups and early stage businesses support and mentoring.

## 4. Consultations

Consultee	Comment
County Highway Authority	Raises no objections on highway grounds.

## 5. Public Consultation

The Council has consulted the occupiers of 2 neighbouring sites. The Local Planning Authority has not received any letters of representation.

## **6. Planning Issues**

- Amenity
- Public safety

## **7. Planning Considerations**

- 7.1 Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that advertisements are subject to control only in the interests of amenity and public safety.
- 7.2 The National Planning Policy Framework (NPPF) paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. "A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account of cumulative impacts."

### Amenity

- 7.3 The site lies in a predominantly commercial area. The proposed fascia signs will be located in the middle of the building's front elevation providing information for the site. There are examples of other advertisements in the vicinity.
- 7.4 In terms of amenity considerations, it is considered that the proposal would have an acceptable impact upon the visual amenity, particularly when viewed in the context with the building and the surrounding area and would not detract from the appearance of the area. Additionally, it is considered that the proposed scale of the signs is reasonable and that would respect the character of the area.

### Public Safety

- 7.5 Due to the location of the proposed signs, they will be visible to the highway users. However, it is considered that the proposed advertisement scheme would not have a material impact on the safety and operation of the nearby public highway including the safety of pedestrians. The proposed advertisement scheme will set back from the public highway.
- 7.6 The Council consulted the County Highway Authority, who having assessed the proposal on safety, capacity and policy grounds, has raised no objection to the proposal.

### Equalities Act 2010

- 7.7 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.8 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed. The Council's obligation is to have due regard to the need to achieve these goals in making its decisions.

#### Human Rights Act 1998

7.9 This planning application has been considered against the provisions of the Human Rights Act 1998.

7.10 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

7.11 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e., peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

7.12 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Financial Considerations

7.13 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not.

7.14 There are no financial considerations which are material or not material in the determination of this proposal.

7.15 The advertisement is considered to be acceptable.

## **8. Recommendation**

8.1 To GRANT planning permission subject to following conditions:

- 1 Any advertisements displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- 3 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4 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.
- 5 No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

### **INFORMATIVES TO APPLICANT**

- 1 The Town and Country Planning (Development Management Procedure) (England) Order 2015  
Working in a positive/proactive manner  
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of the NPPF. This included the following:-
  - a) Provided pre-application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure
  - c) Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.