

# Planning Committee

26 July 2024



<b>Application Nos.</b>	23/01218/ADV, 23/01220/ADV and 23/01223/ADV		
<b>Site Address</b>	Applications for advertisement consent relating to the following three sites: -  1. 23/01218/ADV - Land Adjacent to Elmsleigh Centre entrance, High Street, Staines-upon-Thames, TW18 4PQ  2. 23/01220/ADV - 'Bandstand', Memorial Gardens, Staines-upon-Thames, TW18 4SD  3. 23/01223/ADV - Land On Station Path, Station Approach, Staines-upon-Thames, TW18 4LY		
<b>Applicant</b>	Spelthorne Borough Council (SBC)		
<b>Proposal</b>	Installation of freestanding non-illuminated totem signs		
<b>Officer</b>	Kelly Walker		
<b>Ward</b>	Staines		
<b>Call in details</b>	The applications are submitted by Spelthorne Borough Council (SBC) so must be determined by the Planning Committee		
<b>Application Dates</b>	Valid:24/05/2024	Expiry: 24/07/2024	Target: Over 8 weeks extension of time agreed
<b>Executive Summary</b>	These applications relate to the installation of 3 no. free standing, non-illuminated, 2m high totem signs in 3 separate locations in Staines Town Centre.  The proposed advertisements will be the same design in each location, providing information and directions to places in Staines Town Centre, including directions to the river and station, and welcoming people to Staines Upon Thames. They will include writing and maps, along with the Spelthorne Borough Council and 'Visit Staines' logos with a blue background.  The proposals will have an acceptable impact on amenity and public safety and are considered to be acceptable in the proposed locations.		
<b>Recommended Decision</b>	The applications are recommended for approval.		

## MAIN REPORT

### 1. Development Plan

- 1.1 There are no policies in the Council's Core Strategy and Policies DPD 2009 or the emerging Local Plan which refer to advertisements. However, the advice contained within the paragraph 141 of the National Planning Policy Framework (NPPF) 2023 is relevant as it specifically refers to advertisements.

### 2. Relevant Planning History

None

### 3. Description of Current Proposal

- 3.1 This report refers to three separate proposed advertisement consents, to be located in different locations within Staines Town Centre. All three signs are the same in terms of the size, lettering and colours. However, the actual detail on each sign will be specific to that location. The proposed advertisements are 2m high, freestanding, double sided totem signs, which measure 0.6m in width and have a depth of 0.04m. The totem signs are informative and provide directions to places in the town centre including the location of the station and river, and welcoming people to Staines Upon Thames. They will include writing and maps, along with the Spelthorne Borough Council and 'Visit Staines' logos, with a blue background.
- 3.2 The three positions are: -  
- Towpath of the river by the 'bandstand' at Memorial Gardens 23/01218/ADV  
- Staines train station, along Station Path 23/01220/ADV  
- Entrance to the Elmsleigh Centre on the High Street 23/01223/ADV.
- 3.3 The sign at the Memorial Gardens is to be located on a small area of grass just off the towpath, which is a public right of way, along the River Thames. This will be adjacent to the 'bandstand', which also has access to the jetty on the river. As such it is a location where people arrive in Staines by walking or cycling along the river, or even by boat. As such, the sign is welcoming people to the town centre.
- 3.4 The Station Path sign has been relocated since the original submission, so that it is on a wider part of the footpath to ensure it does not cause an obstruction. It will be located close to the Station from the Kingston Road side of the railway line and will be positioned up against the side of the footway of Station Path. It will be located close to the stairs leading to the footbridge over the railway line. This will be seen by people arriving in Staines by train and those using the footpath.

- 3.5 The final sign will be located outside the Elmsleigh Centre on the High Street, close to a street tree and the entrance to other shops in the town centre. This will be seen by people using the pedestrianised High Street and by people entering and leaving the Elmsleigh Centre.
- 3.6 Copies of the proposed site layout and elevations are provided as an Appendix.

#### 4 Consultations

- 4.1 The following table shows those bodies consulted and their response.

Consultee	Comment
County Highway Authority	No objection, recommend conditions
Neighbourhood Services (footways)	No objection
Conservation Officer	No objection

#### 5. Public Consultation

- 5.1 A total of 15 properties were directly notified of the advertisement consent applications. In addition, site notices were displayed at each site. One letter was received from a local business.

- 5.2 Reasons noted in the letter received include: -

Details should be provided to show advice on how to reduce carbon footprints and how to engage in environmental projects. It would be good to see the Environmental Hub, Talking Tree, listed on the totem sign.

**Officer note:** Planning does not assess the detail shown on the signs, but purely the amenity impact of the sign itself (size, design, colours, lettering size). However, these comments have been forwarded to the applicant.

#### 6. Planning Issues

- Visual amenity
- Public safety

#### 7. Planning Considerations

- 7.1 Impact of the signage

The National Planning Policy Framework (NPPF) para 141 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 account of cumulative impacts,'*

- 7.2 As such, the impact of the proposed signage on public/highway safety and amenity issues are the only issues which can be taken into account in the consideration of this application.
- 7.3 As noted above this report refers to three separate advertisement consent applications for a sign to be located in different locations within Staines Town Centre.

#### Visual amenity

- 7.4 The proposed totem sign, which is the same for each location, is relatively large in scale, given it is a free standing, double sided 2m high advertisement. The sign is designed to be noticed and provide information on both sides. The proposed locations are prominent and are located in pedestrianised areas, where people are usually walking and cycling. The design of the signs and the proposed locations will ensure they will be seen by people arriving in Staines and who will move towards the sign to take a closer look for further information. The signage relates to the use and its location, welcoming people to Staines Town Centre. Therefore, each sign does have a design connection with its location and does not appear overly large or out of place with its surroundings.

#### Memorial Gardens sign

- 7.5 The sign at the Memorial Gardens is to be located on a small area of grass just off the footpath of the Towpath, along the River Thames, adjacent to the 'bandstand'. There is also a waste bin on this piece of grass. This sign is located within the Staines Conservation Area and approximately 12m from the riverbank. This proposed sign will be seen in the context of the 'bandstand', and the columns holding up the canopy, along with the existing bin on the edge of the grass area, which is adjacent to the hardstanding of the footpath. Although this sign is also double sided, the submitted detail shows the information/map will face the hardstanding, with a larger lettering and message on the rear saying, 'Thank you for visiting Staines upon Thames.' The sign is therefore considered to be in scale with the context of this location and will not be visually obtrusive. The Conservation Officer has raised no objection to the proposal, noting that the Staines Conservation Area will not be adversely affected by the proposed sign, which will add visual interest to the locality. Therefore, the sign will have an acceptable impact on the visual amenity of the locality, which is within Staines Conservation Area.

#### Station Path sign

- 7.6 The Station Path sign is to be located close to the railway station, up against the side of the public footpath, adjacent to the approx. 1m high brick retaining wall, which has a grass bank behind it. This sign will have detailed information on both sides, for people travelling to and from the station along the public footpath. Given its location, next to the low grassy embankment, on the edge of the path, it will not appear overly dominant or out of place.

#### High Street sign

- 7.7 The proposed High Street sign is to be located close to the Elmsleigh Centre entrance and other shops in the town centre. This is seen in the context of

shopping area with other advertisements nearby, including fascia signs and projecting signs, as well as some of the street trees. As such, it will not appear visually obtrusive and will be in keeping with the locality.

- 7.8 The proposed signs are not seen in the context of a residential street scene. They are not considered to be out of scale or out of keeping with their locations and would not be over dominant or appear visually obtrusive. As such they are not considered to be poorly placed advertisement and will not have a negative impact on the appearance of the built environment in which they are located. Therefore, the signs are considered acceptable in terms of visual amenity in accordance with the NPPF.

#### Public safety

- 7.9 As noted above, each of the proposed signs are proposed to be located on a pedestrianised route, so will have no impact on road users.
- 7.10 The sign at the Memorial Gardens is to be located on a small area of grass adjacent to the footpath of the Towpath, which is a public right of way. There is little street furniture at this point, which ensures no 'clutter'. The proposed sign will be away from the towpath and as such will not obstruct the route of the public right of way and will continue to allow the free movement of people along the towpath of the river., therefore not adversely affecting disabled people and other uses.
- 7.11 The Station Path sign is located close to the railway station, up against the side of the public footpath. This has been slightly relocated to a wider part of the foot path to ensure it does not cause an obstruction.
- 7.12 The High Street sign is to be located close to the Elmsleigh Centre entrance, close to a street tree and approx. 1.8m from other shop frontages. The High Street is pedestrianised and has a generous width, as such the proposed sign will not cause an obstruction to people using the High Street.
- 7.13 The Highway Authority has raised no objection to the signs in terms of highway safety, noting that it has undertaken an assessment and is satisfied that the applications would not have a material impact on the safety and operation of the adjoining public highways or footpaths. The County Highway Authority therefore has no highway requirements.
- 7.14 Conditions have been recommended to be attached to the consent to ensure the signs are not illuminated and also that they are maintained. The maintenance condition is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. As such the proposed signage is considered to be acceptable from a highway safety point of view in accordance with the NPPF.

#### Equalities Act 2010

- 7.15 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.

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.

716 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

7.17 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that it would be possible for individuals with disabilities to access the development and the proposal is acceptable in regard to the equalities act.

#### Human Rights Act 1998

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

7.19 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.

7.20 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.

721 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

7.22 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. In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will not generate a CIL Payment This is a material consideration in the determination of this planning application. The proposal will not generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

### Conclusion

7.23 Therefore, the proposed advertisements are considered to be acceptable in terms of amenity and public safety grounds and the application is recommended for approval.

## **8. Recommendation**

8.1 APPROVE 23/01218/ADV, 23/01220/ADV and 23/01223/ADV subject to the following conditions:

1. The sign 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).

The reason for the decision of the Council to consent to the display of the advertisements subject to compliance with the conditions specified in the second schedule 13 to comply with the Town and Country Planning (Control of Advertisements) Regulations 2007.

## Highway Informatives:

- 1) The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
- 2) Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
- 3) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
- 4) The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.