

Report of the Chief Executive

**18/00261/ADV
 RETAIN 10 ADVERTISEMENTS SIGNS
 TOP CLASS CAR WASH PETROL FILLING STATION WOODHOUSE
 WAY NUTHALL**

Councillor Philip Owen requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This is an application for advertisement consent to retain 10 signs at Top Class Car Wash. The signs are currently positioned at various locations throughout the site. A majority of the signs (signs 1-10) are positioned to the south and south west of the petrol station and are attached to wooden hoardings, facing north. There is a further sign (Sign 11) on the grass verge to the west of the petrol station and to the east of Woodhouse Way. There are four further signs (signs 12-15) to the east of the petrol station, where vehicles enter the car wash section of the site.
- 1.2 The signs are of varying sizes and styles, with some being free standing, while a majority are affixed to the hoarding to the south and south west of the site. The signs are all of a similar design and are used to advertise the existing car wash business.
- 1.3 The original application proposed to retain the signs in their existing positions, however, following discussions with the applicant a revised scheme has been proposed. The scheme as now proposed will result in the removal of signs 6, 7, 8 and 10 from the south/south west, with signs 1-5 and 9 being retained and moved closer to the portacabin. The excess hoarding will be removed, as will sign 11, which was originally positioned on the grass verge between the petrol station and Woodhouse Way. Signs 12-15 will remain in position as originally proposed.

2 Site and Surroundings

- 2.1 The application site is a hand car wash that adjoins the petrol station off Woodhouse Way. The borders to the north, east and south of the site are made up of woodland, beyond which are residential dwellings in the Mornington Estate. To the west of the site is the public highway.



Signs 1 - 10



Signs 12 - 14

3 Relevant Planning History

- 3.1 Planning permission (ref: 90/00537/FUL) was granted in 1990 for the construction of a petrol filling station with ancillary facilities, including the car wash. Following this, advertisement consent (ref: 90/09048/ADV) was granted to display illuminated canopy fascia, gantry, and 2 no. poster signs.
- 3.2 In 1992 advertisement consent (ref: 92/09039/FUL) was refused to display an illuminated sign on the grass verge between the petrol station and Woodhouse Way. The reason for refusal was that the sign would be intrusive and detrimental to visual amenity on a prominent main road site between open countryside in the Green Belt and future residential development.
- 3.3 In 1996, advertisement consent (ref: 96/00426/ADV) was granted to display illuminated signage on the garage forecourt.

- 3.4 In 2002, planning permission (ref: 02/00784/FUL) and advertisement consent (ref: 02/00785/ADV) were granted for the installation of an ATM and associated signage on the kiosk of the petrol station.
- 3.5 In 2003, advertisement consent (ref: 03/00384/ADV) was refused permission for the erection of a single sided free standing advertisement display unit on the grass verge between the petrol station and Woodhouse Way. The reason cited was that it would be unduly prominent when viewed from Woodhouse Way, in the Green Belt, and would therefore be harmful to the visual amenity of the locality. The applicant appealed this decision and the appeal was dismissed, stating that the sign would reinforce the commercial dominance of the petrol filling station to an unacceptable degree.
- 3.6 Planning permission (ref: 18/00262/FUL) to retain the portacabin has been applied for and will be determined by Planning Committee.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay.
- 4.1.2 Paragraph 67 of the NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.3 **Saved Policies of the Broxtowe Local Plan**

- 4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.4.2 Policy 18 'Shopfronts, signage and security measures' states that proposals for signage will be granted consent provided that they relate well to the design of the building concerned; are in keeping with the frontage as a whole; and respect the character of the area.

4.5 Neighbourhood Plan

4.5.1 The submission version of the Nuthall Neighbourhood Plan was published on Monday 26 February, with the consultation period to run until Friday 20 April 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. Due to the current stage of the plan preparation, only limited weight can be attached to the policies of the Draft Part 2 Local Plan and the Nuthall Neighbourhood Plan.

5 Consultations

5.1 The Highways Authority has no objections to the proposal, stating that there does not appear to be any signs erected on the public highway, and none of the signage causes any visibility issues.

5.2 Letters of consultation were sent out to eight neighbouring properties and a site notice was posted at the site on 17 April 2018. A further site notice was posted at the site on 27 June 2018 following the submission of amended plans. No responses from members of the public in relation to this application have been received.

6 Appraisal

6.1 In accordance with the National Planning Policy Framework, the advertisements should only be assessed in the interests of public safety and amenity.

6.2 In respect of public safety, the signs to the south/south west of the portacabin will be reduced in number and moved further into the site and will therefore be set back from the public highway. Sign 11 will be removed and therefore no signs will extend beyond the curtilage of the petrol station. The re-positioning of the signs further into the site significantly reduces their prominence from the highway and therefore it is considered that they will not cause a distraction to drivers and will not cause an obstruction.

6.3 In respect of amenity, the signs to the south/south west of the site have been significantly reduced in number and have been moved further into the site, with

the combination of these actions significantly reducing the impact on the public realm. The signs that have been retained provide information to customers regarding prices and services available. It is considered that the number of signs in this location have been reduced to such an extent that they would no longer be regarded as visual clutter.

6.4 Signs 12-15 are situated to the east/south east of the petrol station and therefore away from the public realm. Whilst a number of the signs are relatively large, they are considered to be in keeping with the commercial nature of the site in which they sit which is occupied by the petrol station.

6.5 The application site and signage and the location proposed is not clearly visible from the residential dwellings on the Mornington Estate. The site is bordered by woodland to the north, east and south has a lower lying position at ground floor level. None of the signs are illuminated. Therefore it is not considered that the signs will have an unacceptable impact on the amenity of the neighbouring dwellings.

7 Conclusion

7.1 Overall, it is considered that the signs as proposed would not be harmful to the amenity of the area and would not cause a public safety danger, and are therefore in accordance with the relevant national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this.

Recommendation

The Committee is asked to RESOLVE that advertisement consent be granted subject to the following conditions:

- 1. The development hereby permitted shall be carried out in accordance with drawing numbers WCW-01 Rev A (1:500, 1:1250) and WCW-05 Rev D (1:200); received by the Local Planning Authority on 13 July 2018, and WCW-04 Rev A (1:200); received by the Local Planning Authority on 17 April 2018.**
- 2.**
 - (a) Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**
 - (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.**

- (c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- (d) 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.
- (e) 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 or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

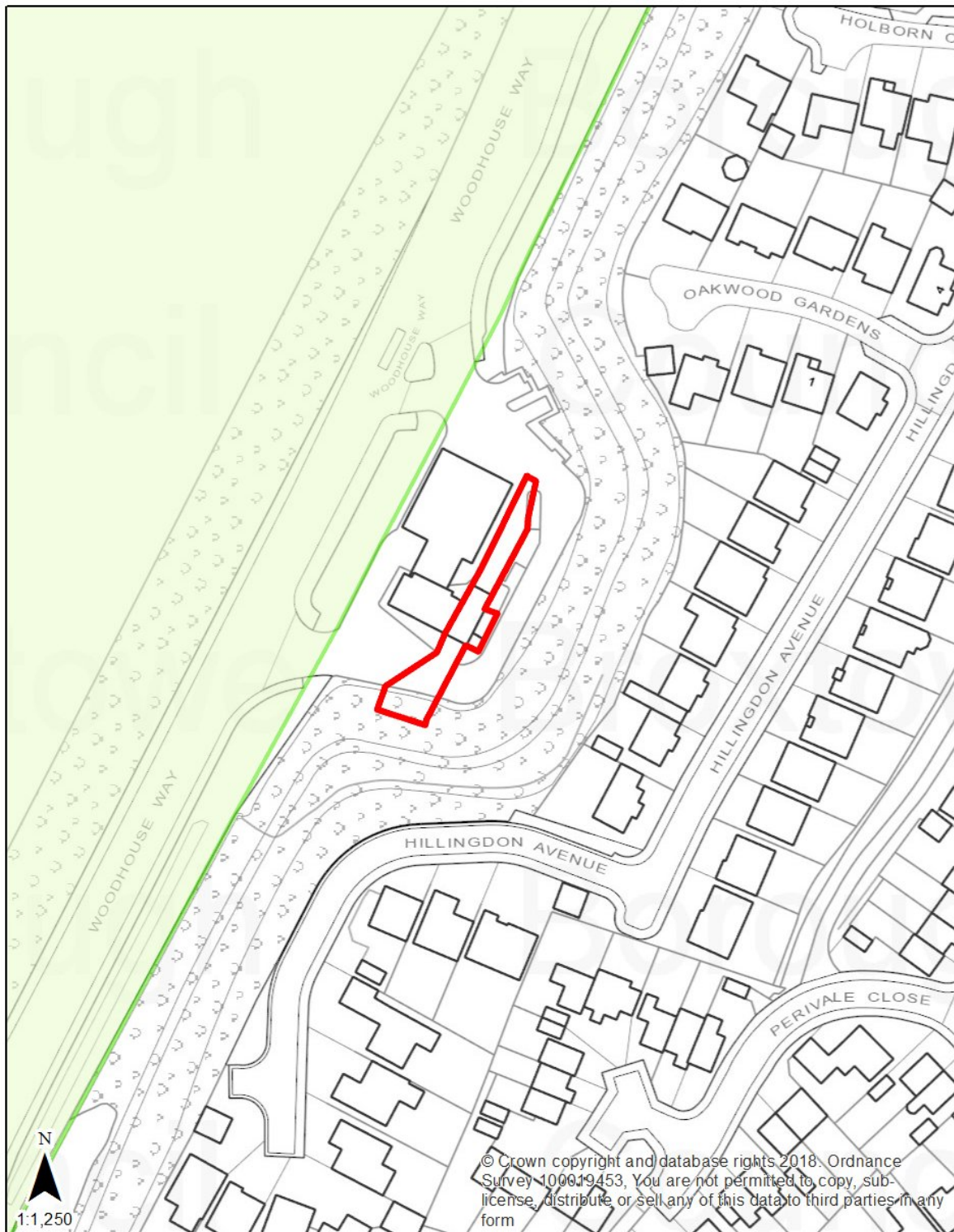
Reasons

1. For the avoidance of doubt.
2. In the interests of amenity and public safety.

Note to Applicant

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.

Background papers
Application case file



Legend

- Site
- Green Belt (Local Plan)