

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	17/02075/ADV	
Proposal:	Advertisement Consent for new signage (9 No. in total) including illumination as necessary.	
Location:	Kelham Hall Ltd Kelham Hall Main Road Kelham Nottinghamshire NG23 5QX	
Applicant:	Mr Jonathan Pass	
Registered:	16.05.2018	Target Date: 11.07.2018
		Extension of Time Agreed: 05.10.2018

The application has been referred to Members for completeness given that it is associated to a major application which is required to be referred under the scheme of delegation due to the Parish Council objection.

The Site

Kelham Hall is composed of two listed buildings, the Grade 1 building which is a mid C19 manor house built by Sir George Gilbert Scott and A. Salvin and the Grade II former monastic buildings built in 1927-9 by Charles Clayton Thompson. The former manor house is a red brick and slate structure with Gothic detailing. The architectural detailing here is quite ornate. The former monastic buildings are built of brick and concrete and are arranged around a courtyard. These buildings are built in the Arts and Crafts style and use typical features like tile detailing, overhanging eaves and leaded lights. In addition the monastic complex includes a chapel, constructed as a large dome. The Dome has stained glass decorative lancet windows.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape. The site has a fascinating and complex history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use and were occupied by the District Council between 1973 and September 2017. In recent years elements of the building have been leased to the applicant and used for various functions including weddings and corporate events.

The Hall and grounds are within the village of Kelham as well as the designated conservation area. The main access to the site is from the A617 Newark to Mansfield Road. Owing to the proximity of the site to the River Trent, a large proportion of the eastern side of the site is within Flood Zone 2 and Flood Zone 3 according to the Environment Agency maps.

Relevant Planning History

There have been numerous planning and listed building consent applications in relation to the Hall

in recent years. Some of these applications were in relation to the sale of the building by the District Council to Kelham Hall Ltd. (the current occupier). The most relevant applications to the current application are considered below:

17/01021/FULM and 17/01022/LBC - Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

Application approved by Committee October 2017.

17/02071/FULM - Application for temporary (5 year) permission in relation to improved security and campsite operation, comprising:

Planning Permission for a vehicle security gate to main entrance, estate fencing along driveway and front boundary;

Change of use of sports field for camping and caravanning operation comprising a maximum of 50 pitches;

Planning Permission for mains cabinet;

Retrospective Planning Permission for 8no. electricity distribution boxes;

Retrospective Planning Permission for WC block;

Retrospective Planning Permission for family shower block;

Retrospective Planning Permission for unisex shower block and Elsan Point;

Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total);

Application currently pending.

18/00947/LBC - 2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site.

Application currently pending.

18/00954/LBC - Retrospective permission for an electricity distribution box located close to the southern boundary wall (read in conjunction with application ref: 17/02071/FULM).

Application withdrawn.

The Proposal

The current application seeks advertisement consent for an external signage strategy at various locations within the site to serve the proposed end use approved by the October 2017 planning permission (hotel and spa use). Consent is sought for 9 adverts in total as detailed below. For the avoidance of doubt, two of the signs (4a and 4b) are proposed to be attached to the listed building and therefore a listed building consent application has been submitted and is subject to separate consideration. The application has been revised during its lifetime with revised plans received 13th August 2018. The application has been considered on the basis of the following plans and

documents:

- Planning and Heritage Statement Rev B
- GTA Response to LPA & Consultees Comments 010818 Rev A
- Proposed Signage EX2A
- Proposed Signage Details EX4
- External Signage Strategy Rev. B

Roadside Signage

- Sign 1 – 2.2m in width by 2.2m in height (with a 1.87m by 0.95m banner spanning the top of the structure)
- Sign 2 – 2.2m in width by 2.2m in height (with the potential for four individual banners of 1.87m by 0.37m)
There would be two of this sign either side of the main entrance
- Sign 3 – 2.2m in width by 2.2m in height (with a 1.87m by 0.95m banner spanning the top of the structure)

The roadside signage would be illuminated with LED strips to the underside of the capping strip (600 lumens max).

Gatepost Signage

- Signs 4a and 4b – both 0.8m in width by 1.2m in height

Car Park Signage

- Sign 5 – 1m in width by 0.6m in height
- Sign 6 – Signage board to replace existing board approximately 2.1m in width by 2.4m in height (with a sign measuring approximately 1.75m in width by 1.3m in height).
- Sign 7 – 1.33m in width by 1.2m in height (with a 1m by 0.4m banner spanning the top of the structure)

The car parking signage would be illuminated with LED strips to the underside of the capping strip (600 lumens max).

The positioning on the signs has been demonstrated by site plan reference EX2 Rev. A.

Departure/Public Advertisement Procedure

Occupiers of 38 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design
Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (Advertisements) 2014
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Averham Kelham and Staythorpe Parish Council – *Additional comments received 22nd August 2018:*

Following the AKS Parish Council meeting held Monday 13th August 2018, the AKS PC voted to object to the following planning applications:

18/00954/LBC

17/02075/ADV

17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown many having contacted Kelham Hall to request they be blanked out. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposal makes no reference as to how the gated entrance may be managed. However the current proposals contravene that legislation and should therefore be refused.

Mains Cabinet, distribution boxes, WC bock, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland.

The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

We would also echo the concerns of the NSDC Conservation Planner and English Heritage that these should not be viewed in isolation to the camping and caravanning proposal.

Camping & Caravanning

The Kelham Hall and associated estate is noted as being a significant heritage asset on a National level therefore the PC fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 50 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

Even considering the reduced numbers the proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal for the development of the hall and totally inappropriate in the conservation area.

The revised proposal will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

There are no proposals as to how the extent of the camping and caravanning pitches would be monitored and regulated to ensure compliance with the numbers proposed. The PC is concerned given recent experience with Kelham Hall Ltd. that they would operate within the boundaries of their current proposal.

The proposal would permit camping and caravanning 365 day a year which would be a massive increase on the limits currently permitted, set at 28 days per year. This would have a significant detrimental impact on the conservation area, surrounding residents and Kelham Village itself.

We note the comments in the Response to Consultees Comments document with interest especially in relation to the Phase 1 scope of works. Work on a building and project of this nature is relatively unique and challenging making it expensive when compared to more standard restoration type projects. The PC would challenge the statement that camping and caravanning operation proposed would contribute anywhere near the 10% figure stated and is therefore misleading.

The original application made no reference to the financing of refurbishment works being dependent upon a camping and caravanning operation and was approved on that basis any would question why that should be changed.

The documentation submitted by the applicant makes numerous references to balancing harm against public benefits. It should be noted that all planning policy is intended to serve the public interest rather than that of individuals. This part of the application is not in the public interest and seeks only to benefit the applicant and purely on a financial basis.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

Original comments received:

Following the AKS Parish Council meeting held Tuesday 12th June 2108, the AKS PC voted to object to the following planning applications:

18/00947/LBC
17/02075/ADV
17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Signs numbered 1, 2 and 3 placed along Main Road are large and out of scale with all other signage along Main Road.

Given their size and location in close proximity to the main highway they will be a potential distraction to drivers and hence increase the risk of potential accidents along what is a busy highway.

Signs placed adjacent to the main entrance will block the sight of vehicles exiting the Hall, again increasing the risk of potential accidents.

The wording of signs 4a and 4b are not appropriate and in the case of 4a contravene the regulations governing Public Rights of Way. The pedestrian gate and associated footpath adjacent the Lodge are a Public Right of Way and defined as such with the Land Registry. This route allows public access from Main Road via the Lodge Gate through the grounds of the Hall to the Church of St Wilfrid, by default it also provides pedestrian access to the Hall. Placing the sign as detailed implies that there is no pedestrian access whatsoever via this route and appears to be an attempt to discourage residents and general public using a defined public right of way. In the case of sign 4b it would be more appropriate to amend the wording to read "Main Vehicular Entrance 500m 2nd on the left" so as not to deter people using the pedestrian gate adjacent the Lodge. It should also be borne in mind that it is a criminal offence to obstruct a public right of way.

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposals including the proposed management of the entrance gate contravene that legislation and therefore refused. As stated above obstructing a public right of way is a criminal offence.

Mains Cabinet, distribution boxes, WC bock, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland. The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

Camping & Caravanning

The PC would fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 250 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

The numbers proposed are out of proportion for the size of the playing field. The proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal and totally inappropriate in the conservation area.

The proposals make no allowance for the required level of parking provision for the numbers proposed and have actually reduced the existing parking numbers.

The proposal would involve 250 cars, caravans, camper vans and the like coming to site, plus the potential for approximately 1,000 people. This will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7 days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

NCC Highways Authority – Whilst the applicant may wish to consider road traffic signage in accordance with Dept. of Transport standards, the proposed signage is acceptable providing it is sited outside of the public highway boundary.

NSDC Conservation – *Additional comments received 24th August 2018:*

Further to the submission of revised and additional information on the above advertisements applications I have the following new comments. For clarification I now have no objection to these signs which I feel, on balance, are acceptable in terms of heritage impact.

2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site 18/00947/LBC

Despite the re-consultation I do not think there has been a revision to these signs. As such my comments and overall no objection to these signs as given in my comments of the 22nd June still applies. If I am failing to see a revision to these signs please do speak to me.

Advertisement Consent for new signage (9 No. in total) including illumination as necessary 17/02075/ADV

Sign 1 & 3 – these are the directional signs proposed for access off the A617. Despite them being depicted at different sizes in the revised signage strategy (perhaps this could be amended for clarity?) they are in fact to be the same size as each other. I am pleased to see these signs have been reduced in size from that previously submitted. The Agent compares these signs to the existing directional sign to the Kelham Fox Public House. These signs are actually larger than this, but not drastically so, and I appreciate sign 1 at least is likely to be looked at via higher speeds than the Kelham Fox sign. The photo montage submitted, while of sign 2, is the same overall height and width as sign 1 and 3 and does give a good indication of overall impact. Given the reduced size, backdrop of trees and shrubs, muted colour palette and helpful montage I am happy that these are now acceptable in the balance.

Signs 2 at entrance – again, these signs have been reduced in size. In addition a helpful montage has been submitted which I think demonstrates that these signs are, on balance, acceptable, and should provide adequate signage for the existing facilities as well as forthcoming activities, avoiding any further unauthorised and temporary banners.

For signs 4a and 4b please see text above – no changes proposed.

Signs 5 and 6 – retrospective and no changes proposed.

Sign 7 The annotation of this sign in the revised strategy is confused, and should actually, I believe, indicate a sign which is 1330 tall x 2200 wide. In which case the sign has been reduced in size and therefore impact, which given this potentially sensitive location by the Church and Hall is important. I am content this is now low enough that it won't interrupt one's line of sight to the Church, it is also not to be seen head-on in key views of the Hall. Again, in the balance, I feel this revised sign is acceptable.

The general sign details, as given in plan EX4 are acceptable and I am pleased to see the proposed illumination has added bulk to these signs.

In conjunction with my earlier comments I now find the additional information and amendments to have provided an acceptable external signage scheme for Kelham Hall moving forwards.

Original comments received 22nd June 2018:

2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site 18/00947/LBC

This proposal relates, I believe, just to signs 4a and 4b, located on the gate piers by the Lodge at Kelham Hall.

The Lodge and Gateway are Grade II listed in their own right, dating from 1858 and probably designed by Gilbert Scott as part of this significance phase of Kelham Hall. The gates are an important part of the wider Kelham Hall complex and are also prominent within Kelham Conservation Area.

Overall I have no objection to these signs. They are large, but equally they are sited on a relatively monumental gate structure. They have also been aligned with the top of the gates and the adjacent door head. I also accept that the muted colour scheme of them helps limit their impact. 3mm deep is also slim, but does this include the drip strip (if this is what it is?) at the top? I presume these are not illuminated?

Given the confusion which arises from this being a retained but un-used vehicular entrance I accept this may well be some people's first approach to the Hall and that a sign of some

prominence is needed to both announce the Hall but also re-direct people. I also understand this is a public right of way, so I expect the writing needs to be altered to read that it is *vehicular* access only that is being re-directed?

I am not entirely convinced the information couldn't be contained on one signboard only, but equally there is a certain merit in the symmetry. If we are to approve such large signs here I would feel more comfortable if this was set against an assurance there would never be any temporary unauthorised signage here publicising events. As such, I wonder whether one board could be directional and the other used to publicise events and functions, using the same style and format?

Advertisement Consent for new signage (9 No. in total) including illumination as necessary 17/02075/ADV

For signs 4a and 4b please see text above.

Sign 1, 2 & 3. These are huge signs! I have just got the tape measure out and realised these are far in excess of a domestic room height, the height of sign 3 is almost 12 ft tall for example! (If I have converted these figures wrong then please do come back to me).

I appreciate there needs to be some visibility with road traffic but this is surely excessive. Also sign 2, itself 11.4 ft long by over 9 ft tall, is essentially a solid sign over this sign area and comes as a pair. These are sited at what is now the main entrance to the Hall, giving people their first glimpse and introduction to the Kelham Hall.

Not only is this the boundary to the park and garden of Kelham Hall, a heritage asset in its own right (albeit not Registered), but this area is integral to the setting of the Hall. In addition the signs are within the Conservation Area of Kelham, in an area made green by the grounds of Kelham Hall, which gives way to open countryside. These signs are more akin to an industrial estate than a historic rural country house estate. The signage for Kelham House opposite is far more the scale one would expect.

I am sure that if these were drawn up as a street scene montage we would see how excessively sized these are.

Add into this impact from the proposed lighting and I am very concerned these will be excessively imposing. By using lighting one could argue the signs are already much more visible and could achieve the same impact at a greatly decreased size.

I believe signs 5 and 6 are actually retrospective and are the signs we saw on site last week? I have no objection to these signs, which seem about the right size to convey the information they need to give. Obviously the setting here would be more attractive without either of these signs, but I do accept they are located in fairly robust locations and on balance are acceptable.

I presume sign 7 is meant for pedestrians rather than vehicles? Even if for cars, at this point cars would be going very slowly, so I am not convinced the sign needs to be anything like this big either. In this case the sign is additionally potentially in the line of site and setting of the Grade I listed church so has a particularly sensitive location. Again, I feel a far smaller sign will sufficiently direct people to the camping reception, one at a much more pedestrian scale.

Unless there are some very persuasive highways arguments for the size of signs 1, 2, 3 and 7 I believe these to be excessively sized and unjustified at this size. Even if there were justification they remain harmful. While overall they would cause less than substantial harm to the significance of both the Grade I Listed Hall, Grade I listed Church, the unregistered park and garden and the

Conservation Area, the impact is by no means insignificant and the signs would be excessively intrusively visually.

Notwithstanding the signs which Conservation thinks are acceptable or could be modified, there is an overall Conservation objection to this application. I am, however, happy to look revised plans if submitted.

NSDC Environmental Health - No objections to the signs or associated lighting.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The site map already in situ at Kelham Hall shows properties on Home Farm Close as if they are in the same ownership
- The sign for the gates says no access to Kelham Hall but does not state that access is allowed to the Church – the issue of access could have a significant impact on the village and community, not to mention potential detriment to life
- The position of Sign 3 is unclear – previous Kelham Hall signs at Home Farm Close have made vehicles stop and use Home Farm Close as a turning circle
- Illuminated signs along the public highway in a conservation area would not be appropriate
- Signs 5 and 6 show Home Farm Close with two properties to rent that have nothing to do with Kelham Hall Ltd.
- A proper brown tourist sign should be used
- Monitoring of the additional traffic which comes into Home Farm Close should be undertaken – the Close has become a parking area for people wishing to avoid the charges at the Hall

Comments of Business Manager

Principle of Development

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 132 of the NPPF I consider the main issues in determining this application for advertisement consent to be related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management Document.

The above regulations advise that in determining advertisement applications the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The factors that are considered relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Impact upon Amenity

“Amenity” is not defined exhaustively in the aforementioned Control of Advertisements Regulations 2007. It includes 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)).

The justification text for Policy DM5 states that the impacts of advertisements in terms of visual amenity will be assessed by reference to criterion 4: Local Distinctiveness. Broadly this element of the policy seeks to ensure that new development reflects the character of the locality in terms of its scale, form and design.

Given that the site also lies within the Kelham Conservation Area and that Kelham Hall itself is listed, policies CP14 and DM9 of the Council's LDF DPDs are relevant, which amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Paragraph 200 of the National Planning Policy Guidance states that, '*Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.*' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, '*special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area*'. In this context, the objective of preservation is to cause no harm. The courts have in more recent years clarified that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

The significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

The application relates to a total of 9 adverts, (albeit the labelling on the site plan only goes up to 7 as there are 2 no. 'Sign 2''s and the gatepost signs are labelled as 4a and 4b). I am conscious that in numerical terms this is a significant level of advertisement to have for one site. However, I am equally conscious that the site area is around 17.5 hectares and as such the signs are considered to be adequately dispersed around the site. It is my view that the signs most likely to impact upon public visual amenity are those set along the roadside. These are positioned in four locations along the A617 at the western boundary of the site but also the two gatepost signs along the northern boundary of the site would be subject to public perception. The four signs on the western boundary are considered reasonably necessary to provide a formal entrance to the site for potential users approaching from either the north or the south. Signs 1 and 3 would announce that the site entrance is approaching and Signs 2 (2 no.) would flank the formal entrance of the site. I have carefully considered whether the same purpose could be achieved through a lesser numerical number of signs but appreciate that it may be difficult for highway users to appropriately slow to turn into the site without the prior warning afforded by Signs 1 and 3. I am also conscious that the site has already historically featured advertisements in relation to the previous occupation by the council.

The proposed signage strategy has been assessed in full by colleagues in Conservation with comments listed in full in the above consultation section. Officers concur with the comments made in respect to the original size of the signage proposed and it is on this basis that the revised submission has been submitted. Nevertheless there is no doubt that a number of the advertisements proposed remain of a significant scale, particularly signs 1-3 which would span 2.2m in width. In order to justify this size of sign, Officers requested a photomontage which has now been included within the revised External Signage Strategy document in respect to Sign 2.

Further justification has been provided in respect to existing signage which exists in Kelham and also the following statement in terms of legibility of the text on the proposed advertisements:

'We would be very reluctant to reduce the signage further, as the text would simply not be legible to those within moving vehicles, rendering them useless and potentially dangerous. I have checked the proposals against national design guidance (ref. attached Local Transport Note 1/94 Appendix A) and the lettering size is already below the minimum recommended. The text measures 80mm in height, whereas the minimum recommended is 125mm for speed limits between 40-50mph (the situation where sign 1 is to be positioned) and 75mm for 20-30mph (passing the entrance of Kelham Hall).'

The revised signage strategy has been appraised by Conservation colleagues noting an original objection. As is detailed above, the revised strategy is on balance deemed acceptable from a conservation perspective. Reference is made to the incorrect annotation of Sign 7 which has since been addressed through revised details. I would concur with this stance. It remains the case that the size of the proposed signage is in some instances significant. However, in the context of the submitted justification and photomontages, Officers concede that it would not be reasonable to negotiate a further reduction in their size and therefore on balance the proposal is deemed acceptable in respect of visual amenity.

Impact upon Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. Nottinghamshire County Council as the Highways Authority have been consulted as part of the application process. Their comments listed above confirm that there is no objection to the proposed advertisements. Reference is made that the applicant may wish to consider road traffic signage (i.e. such as the brown sign used previously by the District Council). I concur that this may be beneficial in respect to directional signage but clearly the applicant has sought specific advertisement consent for the proposed development as outlined and it falls for the authority to assess the application before them. Having clarified with the Highways Authority that they are satisfied that the number or size of the proposed signage would not create a distraction to drivers, Officers are satisfied that the proposed advertisement strategy would not create detrimental impacts to public safety.

Other Matters

Both the Parish Council and the letters of representation received make reference to the content on the proposal including in reference to the perceived presence of a right of way across the site. It has been confirmed that there is no public right of way which crosses the site. Officers do not consider that it would be reasonable to dictate the wording on the proposed signage given that it would not have implications in terms of public safety or visual amenity.

Conclusion

It falls for Members to assess the application for advertisement consent on the basis of matters of visual amenity and public safety. Officers have worked with the applicant during the lifetime of the application to secure some reductions to the sizes of the proposed signage. As is detailed above, the signage strategy now proposed is considered proportionate to the end use to which it would serve and is deemed acceptable both in respects to visual amenity and public safety. The recommendation of Officers is therefore one of approval as detailed below.

RECOMMENDATION

That advertisement consent be granted subject to the following conditions:

Conditions

01

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

02

The advertisements hereby permitted shall not be carried except in complete accordance with the site location plan and approved proposed plans and documents reference:

- Proposed Signage EX2A
- Proposed Signage Details EX4
- External Signage Strategy Rev. B

Reason: So as to define this consent.

03

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.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

04

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.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

05

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: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

06

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: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

07

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

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

08

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

09

The maximum luminance of any sign shall not exceed 600 lumens.

Reason: To protect drivers from glare resulting from uncovered light sources near the public highway in the interests of highway safety.

10

The lighting permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

This permission relates solely to advertisement consent and does not permit any building or other operations.

02

The application as submitted is acceptable. In granting consent without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant.

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 17/02075/ADV

