

Application Number	17/00439/AS
Location	Land south east of 16 to 34, Calland, Smeeth
Grid Reference	08017/40105
Parish Council	Smeeth
Ward	Saxon Shore
Application Description	Erection of hoardings and 5 no. non-illuminated associated signage (retrospective)
Applicant	Elizabeth Mitchell, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL
Agent	As above
Site Area	0.27 ha

(a) 30/4R (b) PC views (c) KCC (H&T) X
awaited

Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council.

Site and Surroundings

2. The site forms an irregularly shaped area of public open space off Calland, a winding cul-de-sac of 1970s housing arranged in terraces of mostly 4 units. The site forms a grassy area with planting to boundaries which banks up towards the southern corner of the site where there are a number of mature evergreen trees. Open countryside adjoins the site to the south and east with the turning circle to Calland and associated residential development to the north and west. A public right of way extends along the eastern boundary of the site but is not directly affected by the proposed development.
3. A site location plan is shown in Figure 1 below.



Figure 2: Position of hoarding and signs





Figure 3: Photographs of hoarding and advertisements

Planning History

16/01235/AS – Erection of four semi-detached houses on land adjacent to 34 Calland, Smeeth - APPROVED on 3/2/17 Consultations

Ward Member: No formal comments have been received.

Parish Council: No comments received to date.

KCC Highways and Transportation: No objection.

Neighbours: 30 Neighbours consulted; 4 letters received objecting for the following reasons:

- The hoardings were put up in December 2016 and January of this year. Shrub clearance commenced in early November. The adverts/hoardings went up prior to receiving notification about the planning permission for the four houses. Is it normal procedure to carry out work and then apply for planning consent?
- Why have we had to put up with the hoardings for the last 3 months? Children have been denied the opportunity to play within the area. What was the rush to put the hoardings up so quickly given the lack of activity on the site?
- The hoardings are 14 metres in front of my living room window and obscure views across the green to the distant hills
- No notification was received regarding the onset of works on the site. My house is closer to the site than shown on the plans and this has resulted in trespassing on my property to build the hoardings.

- Concerns about lack of information from the Borough Council about on site activities, including soil sample testing, installation of wildlife boxes and soil sampling in test holes.
- Plans received by a resident from UK Power Networks are different to the approved plans and show different parking arrangements

Planning Policy

6. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016, the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and ended on 10 August 2016. At present the policies in this emerging plan can be accorded little or no weight.
7. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS9 – Design Quality

CS18 – Meeting the Community’s Needs

Tenterden and Rural Sites DPD 2010

TRS17 – Landscape Character and Design

Draft Local Plan to 2030

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

COM1 – Meeting the Community’s Needs

Government Advice

National Planning Policy Framework (NPPF) 2012

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

The following section of the NPPF is relevant:

Para 67 Section 7 – States that “Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.” It goes on to say that: “Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.

National Planning Policy Guidance (NPPG)

Assessment

Background to the application

8. The Town & Country Planning (Control of Advertisements) Regulations 2007 along with the NPPG require that the local planning authority control the display of advertisements in the interests of amenity and public safety, whilst taking into account the requirements of the development.
9. This retrospective advertisement consent application has been submitted for the hoardings and 5 advertisements attached to it. Whilst there is clearly a need for a hoarding around a development site, for health and safety reasons, the original planning application for the four dwellings (Ref: 16/01235/AS) did not identify an enclosure on the plans. There are Permitted Development rights for hoardings and advertisement regulations that allow some advertisements but this exceeds them, hence the need for this application.
10. The hoardings and advertisements are temporary and are required to secure the building site and provide information about the developer/funding for the proposed housing development. The application form stated that the hoardings are required until 31 July 2018.

Amenity

11. A number of photographs are included in this report that show the hoarding and advertisements. It can be seen that the hoarding is newly painted and in good condition. The signs are discrete and limited to information required to support the development. The hoarding is not excessively high and the advertisements are not illuminated. The hoarding would be separated from any existing dwellings to ensure that it does not appear overbearing or oppressive. In addition, the development is a necessary requirement to

satisfy Health & Safety legislation and would only be in situ for the duration of the construction of the dwellings recently permitted. This can be secured by condition.

12. Concerns have been raised over the loss of the open space. This clearly does have an adverse impact on the amenity of the area. The development is however temporary, for the duration of the construction of the dwellings and once constructed will be removed and the public open space not developed restored.
13. In light of the above, I consider there will be harm to amenity however this is limited and justified in order to allow for the construction of the 4 dwellings. The harm is significantly reduced as the development is temporary.
14. I consider the development acceptable in terms of its impact on amenity.

Public Safety

15. The proposed hoardings do not adversely affect highway safety as they would cause no obstruction or distraction to drivers. As such KCC Highways and Transportation raise no objection. In terms of pedestrian safety, the hoardings are adjacent to a PROW and footpaths serving Calland. They are of a sound construction and do not cause any obstruction.
16. In light of the above I do not consider the proposal adversely affects public safety.

Human Rights Issues

17. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

18. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

19. The hoarding and advertisements are temporary and needed to secure the building site. Whilst they cause some harm to amenity, the temporary nature significantly reduces this and in combination with the need justifies the development. The proposal causes no harm to public safety and I recommend that consent is granted.

Recommendation

Grant Consent

Conditions on grant:

- a) 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.
- b) No advertisement shall be sited or displayed so as to -:
 - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- c) 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.
- d) 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.
- e) Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- f) This consent expires at the end of 2 years from the date of this consent or the completion of the development whichever is the sooner.

Notes

Working with the Applicant

1. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application
 - where possible suggesting solutions to secure a successful outcome,
 - informing applicants/agents of any likely recommendation of refusal prior to a decision and,
 - by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
 - was provided with pre-application advice,
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. It is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/00439/AS.

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Annex 1



Site Alloc Urban Access Pts TPO Listed Building Conservation Areas