

Parish: Shipton
Ward: Easingwold
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Committee Date: 16 February 2023
Officer dealing: Mr Mark Russell
Target Date: 17.08.2022
Date of extension of time:

22/01288/ADV

Application for advertisement consent for 1No. site entry and 1No. exit non-illuminated signage for existing on-site business.

At: Will and Freddie's Garage, Beningbrough, North Yorkshire
For: Mr Thomas Brooke

This application is brought to Members owing to the complex planning history relating to the subject site.

1.0 Site, context and proposal

- 1.1 The site lies approximately 1.2km to the north of the village of Shipton and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the application site with 2 more dwellings approximately 70m further north. A vacant former retail store and takeaway lies immediately to the south of the application site.
- 1.2 The subject building was previously used as a car showroom, servicing, MOT station and petrol filling station; the petrol pumps are still in operation at the front of the site. A shop associated with the filling station used to occupy an area of 110sqm, approximately, 40% of the original building.
- 1.3 The application seeks advertisement consent for 1 site entry and 1 exit non-illuminated sign for the existing on-site business.

2.0 Relevant planning history

- 2.1 2/79/131/0019D - Construction of a forecourt canopy. Permission granted 30/8/1979.
- 2.2 10/00378/ADV- Application for advertisement consent to display 7 non illuminated signs. Consent granted 12 April 2010
- 2.3 10/00377/FUL - Re-siting of two underground petrol tanks and three petrol pumps, alterations to the existing shop/car showroom and forecourt canopy and creation of car parking areas. Permission granted 12 May 2010.
- 2.4 12/02368/MRC - Application to vary condition 02 of planning approval 10/00377/FUL to amend the position of the pumps and tanks. Permission granted 8 February 2013.
- 2.5 13/01238/FUL | Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates. Permission granted on the 31 October 2013. The officer

recommendation was to refuse the planning application, but this was approved by Planning Committee on the 12 September 2013.

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. Relevant Development Plan policies are:

- Local Plan Policy EG6: Commercial Buildings, Signs and Advertisements
- National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Shipton Parish Council would like to reiterate their previous response to this application: The Parish Council would note there is no Highways report regarding the proposals in the application. The PC notes cars entering and exiting this garage are a cause of frequent accidents on the A19. While the entrance/ exit system is felt to be a positive step to trying to mitigate dangers, there is concern that the proposed signage (Entrance Only/ Exit Only) is too large (particularly too high) and will block visibility further for cars exiting the forecourt onto the A19. The visuals of the signs show the station logo which makes the signs considerably larger than necessary.

4.2 Highways North Yorkshire - The details shown within planning application 22/01288/ADV accord with the requirements of the Local Highway Authority.

4.3 Site notice –One letter of objection has been received a summary of which is as follows:

- Application form: there are numerous false statements, omissions and unacceptable aspects on the application:
- Will the advertisement be illuminated?
- Will the proposed advertisement(s) project over a footpath or other public highway? – No – This is false as they will be fully on the Highway.
- The application is for a period of 50 years, this is unacceptable in the extreme.
- Does the applicant own the land or buildings where the adverts are to be placed? – Yes – This is false as no one owns the Highway where the applicant wants to place the proposed advertisements.
- Declaration - I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate – The applicant/agent has agreed to this statement. I have demonstrated in number 1, 2 and 4 that this is false. The plans submitted by the applicant/agent clearly confirms that they are aware of this.

The objector also would suggest to HDC Planning, NYCC Highways and the applicant to be mindful of the following:

- The purpose of the signage is to give messages to road users on the Public Highway. As such, all signage must be contained in the Traffic Signs Regulations and General Directions 2016 (TSRGD) 2016.
- The signage at the entry and exit will be a clear obstruction to the required sight lines and thus cause a danger to road safety on the A19.
- It is suggested to erect the “entry only” sign after the entry. As all signage must give their message to road users clearly and unambiguously, how will this be achieved after the entrance?
- As evidenced by the Land Registry and the Plans submitted the grass verge next to Brookes Garage is not owned by the applicant so where would the signage be erected?
- All signage on the Public Highway must be contained in the TSRGD 2016 – the suggested signage is not contained in the TSRGD.
- Any prohibition on the Public Highway - as these signs will - can only be enforced with lawful signage and would require a TRO (Traffic Regulation Order). An advertisement consent cannot be approved in relation to giving messages to road users.
- As the signage is not as prescribed as per the TSRGD it will fail to give messages to road users in the dark as it will not be reflective.
- The applicant must have two “No Exit” signs at the entrance to ensure vehicles do not exit via the entrance. The applicant has failed to include these.
- The applicant must have two “Entry Only” signs at the entrance to ensure adequate signage for a 60-mph road. The applicant has only included one of these.
- All signage on the Public Highway must be contained in the TSRGD 2016. Any prohibition on the Public Highway must be covered by a TRO (Traffic Regulation Order).
- The applicant must have two “No Entry” signs at the exit to ensure vehicles do not enter via the exit. The applicant has failed to include these.
- The applicant must have two “Exit Only” signs at the exit to ensure vehicles leave via the exit. The applicant has only included one of these.
- All signage on the Public Highway must be contained in the TSRGD 2016. Any prohibition on the Public Highway must be covered by a TRO (Traffic Regulation Order).

- The one-way system is an impossibility as I, and all visitors to my site, have an easement (right of way) from both entrances to access and egress my site. This also includes the area between the fuel pumps and the A19. I do not have a right of access between the fuel pumps and the shop.
- This easement is a business asset. I place on the public record that I will not surrender my easement and that I will continue to exercise my full right of way.
- My easement means that there cannot be a one-way system as proposed at Brookes Garage without my agreement. I confirm that the applicant does not have my agreement.
- This makes the intended purpose of the signage null and void – thus it will be mere road clutter.

4.4 In response the above the applicant has responded as follows:

The Application Form

- The applicants have confirmed that the signage will be non- illuminated.
- Signage will be sited on adopted highway land and approval for this is being sought.
- The period is for 5 years at which point a renewed consent is required.
- The No box should have been ticked – an amended application form has been submitted.
- The siting of the signage has been agreed with NYCC highways.
- The signage is to be sited on adopted highway land.

5.0 Analysis

5.1 The key issues to consider are the impact of the signage on the visual amenity of the surrounding area and the impact on public safety.

5.2 It is important to understand the lawful position with regard to existing signage at the site. Many forms of signage do not require a formal application for advertisement consent as they are granted deemed consent under the Advertisement Regulations 2007. In terms of the signs that exist on site presently these can be summarised as follows:

- On pump area roofing – Gulf & Brookes – Classes of Advertisement benefiting from deemed consent -Class 5 – (namely notices, signs and advertisements to draw attention to any commercial services, goods for sale, or other services available at the premises) - the name of the firm or person providing the service at the premises.
- The Vacuum/Jet Wash and Parking Signs – Classes of Advertisement benefiting from deemed consent – Class 2(A) – notices or signs to be displayed on buildings or land as means of identification, direction or warning.
- The long green signs above the main frontage of the shop – ‘Your locally sourced quality produce’ – Classes of Advertisement benefiting from deemed consent – Class 5 – (namely notices, signs and advertisements to draw attention to any commercial services, goods for sale, or other services available at the premises) - the goods for sale or the services available.
- Several portable signs by the main front verge (3), gas bottle sign by gas bottle

cages and one A board by the shop – Classes of Advertisement benefiting from deemed consent – Class 6 – Advertisements on forecourts of business premises – (notices, signs or advertisements at ground level) – total permitted area for all forecourt advertisements must not exceed 4.6 square metres. These do not exceed 4.6 square metres and therefore are deemed consent.

- There is no fuel prices advertisement sign to the front verge now although the large white pole remains.

5.3 Local Plan Policy EG6 states that signs and advertisements will only be supported where they:

- Respect the character and appearance of the area, site or host building being of appropriate siting, location, design, size, scale, number, colour and method of illumination, working with the architectural features of any buildings against which they would be viewed.
- Would not be the dominant feature of any location, leading to an excessive, visually cluttered or over-bearing appearance.
- Do not contribute to an unsightly proliferation or clutter of signs/advertisements in the vicinity.
- Do not interfere with footpath or highway safety, block routes in any way, cause obtrusive light or cause any other safety hazard.

5.4 Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

5.5 The applicant is seeking advertisement consent for 1 site entry and 1 exit non-illuminated sign for the existing on-site business. The applicant has confirmed that all of the signage will be non-illuminated and will be sited on adopted highway land and separate approval for this is being sought from the Local Highway Authority whom have confirmed that the signs are advisory only and would be subject to a separate licence between the Local Highway Authority and the applicant.

5.6 There would be two V shaped signs for the entrance and exit of the site. These would both be 1.0 metres in height as measured from the ground and 600 mm in width.

5.7 As set out in paragraph 5.2 of this report there are a number of signs present on site. There is a large totem pole sign typical of a petrol station located on the grass verge to the west of the subject site, which has been established for a number of years. In addition, there are three other separate smaller adverts of a temporary nature with the largest being just over one metre in height, all of which are located on the grass verge. The applicant has indicated that these would be removed should the two 'V' shaped signs be approved.

5.8 It is considered that small scale of the signs, the position, number, colour and absence of illumination are such that the proposal would not cause significant harm or adverse impact to the appearance, character or setting of the surrounding area,

the site, or adjacent uses and in terms of their siting. The proposal is compliant with Local Plan policy EG6.

- 5.9 The removal of the smaller signs from the grass verge would declutter the area.
- 5.10 The Highways Authority have commented that the proposed signage accords with their requirements and therefore recommend the application for approval.
- 5.11 The issue of easement as referred to by the objector above is a legal matter and not relevant to planning. The signs are “advisory” and those with a right of access (easement) are not prohibited from access against the direction indicated in the signage.
- 5.12 Having regard to the General Observations section (4.4) of this report, the following should be noted:
- The Highway Authority have confirmed that the Traffic Signs Regulations and General Directions 2016 (TSRGD) is not relevant to this application. The signs are advisory only and would be subject to a separate licence between the LHA and the applicant.
 - The applicant has confirmed that the location and size of the signage was discussed and agreed with NYCC highways prior to the application being submitted. If required, it could be re-sited. The Highway Authority have confirmed that this statement from the applicant is correct and that the size and location does not impinge on the required visibility.
 - NYCC Highways can grant consent for signage within the highway, and this has been further confirmed by the Highways Authority in addition to commenting that the signage would still be visible to users.

The applicant has confirmed that the application proposals do not impact on the adjacent landowner’s easement (registered on the 23rd of December 2019) or their right of way. This is clear from the siting of the concrete bollards on site. Given this is a private matter the Highway Authority have not commented upon this.

- 5.13 It is considered that the advertisements by reason of their design and siting would not be visually intrusive in the landscape to the detriment of the character and appearance of the surrounding countryside. Nor is the signage considered to result in a harmful impact on highway safety. The proposal would therefore not conflict with Policy EG6 of the Hambleton Local Plan.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered RH/002 Rev A and

2216.01 received by Hambleton District Council on 22.06.2022 & 24.08.2022 unless otherwise approved in writing by the Local Planning Authority.

3. Before the signage is installed the existing totem pole sign on the grass verge to the west of the site, and three other separate smaller adverts located on the grass verge shall be removed.

The reasons are: -

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

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