

**Application Number**

P/2018/0117

**Site Address**Park Railings  
Victoria Park  
Paignton**Case Officer**

Gary Crawford

**Ward**

Roundham with Hyde

**Description**

5 x advertisement banners (revised plans received and description amended 26.06.2018)

**Executive Summary/Key Outcomes**

This application for advertisement consent proposes the installation of five banner advertisements on the railings at the Torquay Road frontage of Victoria Park, Paignton. The banners would be positioned on the northern section of the railings, close to the junction with Cecil Road.

The proposed banners are considered to be acceptable in terms of visual amenity and public safety. The proposal is therefore deemed appropriate for advertisement consent.

**Recommendation**

Conditional approval (standard condition).

**Reason for Referral to Development Management Committee**

As the development is on Council-owned land and two objections have been received, the Council's constitution requires that the application be referred to the Development Management Committee for determination.

**Statutory Determination Period**

The determination date was 1st April 2018. The application has exceeded the determination date to allow the submission of revised plans to address concerns raised by officers.

**Site Details**

The site, Victoria Park, Paignton, is a public park which is located close to Paignton town centre. The boundary treatment on the Torquay Road elevation of the park consists of a low stone wall with metal railings above. Victoria Park is designated as an Urban Landscape Protection Area in Policy C5 (Urban Landscape Protection Areas) of the Local Plan.

### **Detailed Proposals**

The application is for the installation of five banner advertisements on the railings on the Torquay Road frontage of Victoria Park. The original plans proposed that ten banners would be installed on the railings. However, Planning Officers consider this number of banners to be visually unacceptable and the drawings were revised to reduce the number of banners to five.

### **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

#### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

#### Material Considerations

- Emerging Paignton Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report:

### **Summary of Consultation Responses**

Highways: No objections in principle but have raised concerns about who will attend to the banners if they become vandalised or come away from the railings.

### **Summary of Representations**

Two letters of objection have been received which have raised the following issues:

- Impact on local area
- Not in keeping with local area
- Overdevelopment
- Impact on highway safety

### **Relevant Planning History**

P/1988/1521: Banner Sign At Torquay Road Boundary Wall. Approved 12/10/1988.

ZP/2007/0937: Erection Of Banner. Response sent 7/8/2007.

ZP/2008/0362: Erection Of Banners. Response sent 4/7/2008.

ZP/2011/0497: Place banner on railings for Liquid ICE 2008Ltd. Response sent

8/9/2011.

### **Key Issues/Material Considerations**

The key issues to consider in relation to this application for advertisement consent are:

1. Visual amenity
2. Public safety

#### **1. Visual amenity**

Policy DE6 (Advertisements) of the Local Plan states that advertisements will not be permitted where they would harm visual amenity. The proposed advertisement banners would be sited on the railings on the Torquay Road frontage of Victoria Park, close to the junction with Cecil Road. Given that the proposal is for five banners which would be grouped closely together on the northern section of the railings, it is considered that the proposal would not be unacceptably harmful to the visual character of the area.

Victoria Park is designated as an Urban Landscape Protection Area (ULPA) under Policy C5 (Urban Landscape Protection Areas) of the Local Plan. Given that the proposed banners are not fixed structures; that they would be positioned close together on the Torquay Road frontage; and that permission would be granted for a five year period, it is considered that the proposal would not undermine the value of the ULPA.

As such, it is considered that the proposal would comply with Policies DE1, C2 and C5 of the Torbay Local Plan.

#### **2. Public safety**

In terms of public safety, the Council's Highways department have raised no objections to the proposed advertisement banners in relation to danger caused to pedestrians and road users. As such, it is considered that the proposed advertisement banners would not result in any unacceptable impacts upon public safety.

### **Neighbourhood Plan**

The proposal accords with the Paignton Neighbourhood Plan, including Annex 2 (Design Guide) to Policy PNP1 and Policy PNP9 (Victoria Park).

### **S106/CIL**

Not applicable for this type of development.

### **Statement on Human Rights and Equalities Issues**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European

Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **EIA/HRA**

#### **EIA:**

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

### **Conclusions**

The proposed advertisement banners are considered to be acceptable in terms of visual amenity and public safety. The proposal is therefore appropriate for advertisement consent, having regard to Policies C2, C5, DE1, and DE6 of the Torbay Local Plan, and all other material considerations.

### **Informative(s)**

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

### **Relevant Policies**

C2 – The Coastal Landscape  
C5 – Urban Landscape Protection Areas  
DE1 - Design  
DE6 – Advertisements