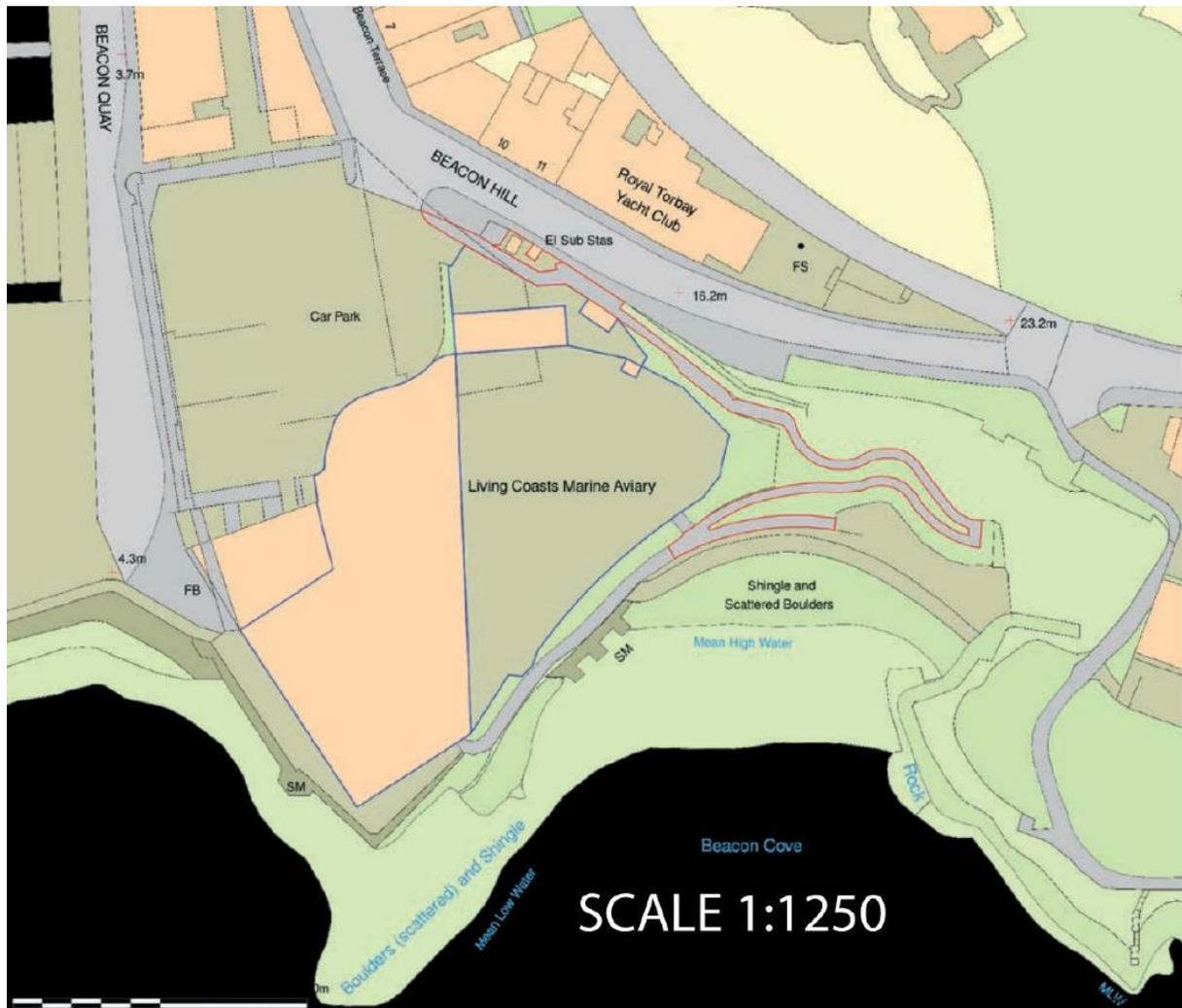




Application Site Address	Beacon Hill Car Park Beacon Quay Torquay TQ1 2BG
Proposal	Installation of 7 new signs around car park and footpath area (as amended by plans received 29.06.2020).
Application Number	P/2020/0020/AD
Applicant	Living Coasts
Agent	Enigma Signage
Date Application Valid	03.02.2020
Decision Due date	05.02.2020
Extension of Time Date	28.04.2020
Recommendation	Approval: Subject to planning conditions as outlined within the report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Emergency.
Reason for Referral to Planning Committee	The application pertains to land that is owned by Torbay Council asset and objections have been received.
Planning Case Officer	Craig Davies

# Location Plan



## **Site Details**

The site comprises the grass verge adjoining the car park at Beacon Quay as well as the footpath which leads from the car park to Beacon Cove along the northeastern boundary of the Living Coasts Marine Aviary.

In terms of the designations within the Development Plan, the site is located towards the southeastern edge of Torquay Town Centre, within the Torquay Harbour Conservation Area, within the Core Tourism Investment Area, adjacent to the South West Coast Path, within the Coastal Change Management Area, and within a Community Investment Area. The site is also in proximity to Grade II listed buildings and structures including the Royal Torbay Yacht Club, 9-11 Beacon Terrace, Haldon Pier and South Pier, and Grade II\* listed buildings and structures including 1-8 Beacon Terrace and the Beacon Quay Slipway.

Date of officer site visit: 11.02.2020.

## **Description of Development**

The application seeks advertisement consent for 7 proposed signs (Sign B, Sign F, and Signs 1-5):

- 'Sign B' would be a freestanding sign with dimensions of 3.1m (height) x 1.325m (width) x 0.15m (depth), sited perpendicular to the public highway on the grass verge adjoining Beacon Hill and the Beacon Quay car park. The proposed sign would be double sided and would comprise of aluminium composite (ACM) trays on an aluminium structural framework.
- 'Sign F' would be a wall-mounted sign with dimensions of 1.25m (height) x 0.85m (width) x 0.03m (depth), attached to the fence at the entrance to the footpath that leads from the car park to Beacon Cove. The proposed sign would comprise of an aluminium composite (ACM) tray on a timber subframe.
- 'Signs 1-5' would be wall-mounted signs each with dimensions of 1.1m (height) x 0.725m (width) x 0.03m (depth), attached to the fence at various points along the footpath that leads from the car park to Beacon Cove. Each of the proposed signs would comprise of an aluminium composite (ACM) tray on a subframe.

The proposal also includes the removal of a number of the existing signs that would become redundant as a result of the proposal.

The proposed signs would provide visitors to the site with general information regarding Beacon Cove as well as information regarding the site's history. It should be noted that the images indicated on the submitted elevations are indicative only as the content of the proposed signs may change periodically.

It should be noted that after advertising and in response to comments provided by this Department, the applicant revised the proposal by re-siting the proposed Sign 1 (so that it would be attached to the fence in the same manner as Signs 2-5), and by making Sign B (which was originally proposed to be partially internally illuminated) non-illuminated. Given that the revised proposal would have a lesser impact on external parties than that which was previously advertised, it was not deemed necessary to readvertise the application.

## **Pre-Application Enquiry**

N/A

### **Relevant Planning Policy Context**

Development Plan

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

Material Considerations

- 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:

### **Relevant Planning History**

There have been no previous planning decisions of particular relevance to the current proposal.

### **Summary of Representations**

2 letters of objection were received in which the following matters were raised:

- Negative visual impact.
- Impact on outlook.
- Impact on highway safety.
- Impacts relating to the proposed illumination of 'Sign B'. (It should be noted that after advertising, the applicant revised the proposal by making the proposed 'Sign B' non-illuminated.)

1 letter of representation (neutral) was received which raised the matter of the layout of the vehicular entrance to the car park. (It should be noted that this is not considered to be relevant to the proposal under consideration which is for signage.)

1 letter of support was received in which the following matters were raised:

- Application forms a part of the wider Beacon Cove community project.
- Positive change for the area.
- Provides a much improved welcome to the area.
- Will provide information regarding the history of the area.

### **Summary of Consultation Responses**

**Torquay Neighbourhood Plan Forum:** No response received.

**The Council's Highways Engineer:** "As there are no proposals to advertise on the adopted highway, Highways have no technical issues with this application."

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

1. Visual Impact / Impact on Conservation Area
2. Impact on Residential Amenity
3. Impact on Highway Safety

## **Planning Officer Assessment**

### **1. Visual Impact / Impact on Conservation Area**

Paragraph 124 of the National Planning Policy Framework (NPPF) states that 'good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities'. In addition, paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Policy DE6 of the Local Plan states that advertisements will not be permitted where they would harm, amongst other things, visual amenity. Policy DE1 of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space. Policy TH8 of the Neighbourhood Plan requires that developments be of good quality design, respect the local character in terms of height, scale and bulk, and reflect the identity of its surroundings. Policy SS10 of the Local Plan states that proposals within Torbay's Conservation Areas will be assessed on the need to conserve and enhance the distinctive character and appearance of Torbay's Conservation Areas whilst allowing sympathetic development within them. Policy HE1 of the Local Plan states that development proposals should have special regard to preserving any listed building and its setting.

Given its siting, scale, and design, it is considered that the proposed signage would not result in unacceptable harm to the character or visual amenities of the locality, the conservation area, or the nearby listed buildings. Signs 1-5 would be attached to the fence along the footpath that leads from the Beacon Hill car park to Beacon Cove, and would therefore be functional but visually discrete. While Signs B and F would be larger and more prominently sited, it is noted that they have been designed in a manner that responds to the site's maritime setting in proximity to Torquay Harbour by incorporating the shape of a sail for the proposed signs. The design of Signs B and F would accord with that of an existing sign lower down Beacon Hill close to the Harvester restaurant at Beacon Quay and, although Sign B in particular would be relatively large, it would also be of a similar scale to that of the existing sign. It is important to note that the proposal also includes the removal of existing redundant signage, thereby ensuring that the proposal avoids creating a cluttered appearance. Subject to a condition to ensure that the existing redundant signs are removed, it is considered that the proposal would rationalise the signage in this locality and would serve to provide visitors with worthwhile information without resulting in any harm to visual amenity.

The proposal is considered to be in accordance with Policies DE6, DE1, SS10 and HE1 of the Local Plan, Policy TH8 of the Neighbourhood Plan, and the guidance contained in the NPPF.

### **2. Impact on Residential Amenity**

Policy DE3 of the Local Plan states that development proposals should be designed to ensure an acceptable level of residential amenity.

Given its siting, scale, and design, it is considered that the proposal would not result in any unacceptable harm to the amenities of neighbours. While objector's have raised concerns regarding the proposal's impact on their outlook, it is important to note that

whereas the advertised proposal included Sign B being internally illuminated, the applicant has since revised the proposal by making the proposed Sign B non-illuminated. It is reiterated that the proposal also includes the removal of existing redundant signage, and it is therefore considered that the proposal would not result in any significant increase in the amount of signage in this locality and would not result in any unacceptable loss of outlook.

The proposal is considered to be in accordance with Policy DE3 of the Local Plan.

### **3. Impact on Highway Safety**

Policy DE6 of the Local Plan states that advertisements will not be permitted where they would undermine public safety. Policy TA1 of the Local Plan seeks (amongst other things) to improve road safety, and to reduce the impact of signage to avoid the proliferation of unnecessary clutter. Policy TA2 seeks to ensure an adequate level of accessibility and safety for vehicles and pedestrians, including through maintaining a satisfactory standard of visibility.

Signs 1-5 and Sign F would all be attached to existing fences and would therefore not result in any impact on visibility for pedestrians or for drivers of vehicles. While Sign B would be relatively large, it would replace an existing sign that is to be removed, and would be sited in a position that would be sufficiently set back from the public highway so as to avoid impairing visibility. It is noteworthy that the Council's Highways Engineer has assessed the proposal and has raised no objections, and that, following revisions to the proposal, none of the proposed signs would involve any illumination.

The proposal is considered to be in accordance with Policies DE6, TA1 and TA2 of the Local Plan.

### **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.

### **Local Finance Considerations**

**S106:** Not applicable.

CIL: N/A

### **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.

### **Planning Balance**

The proposed signage would provide visitors with worthwhile information and would help to promote Beacon Quay as a destination, thereby making a positive contribution to the Core Tourism Investment Area, and would not result in any unacceptable harm in terms of visual amenity, residential amenity, or highway safety. Subject to the planning conditions detailed below, no unacceptable material planning harm has been identified and the proposal is in accordance with Development Plan policies.

### **Conclusions and Reasons for Decision**

The proposal would not result in any unacceptable harm to (i) the visual amenities of the locality, the conservation area, or the nearby listed buildings; (ii) the residential amenities of neighbouring properties; or (iii) highway safety. The proposal is therefore considered acceptable, having regard to the Local Plan, the Neighbourhood Plan, and all other material considerations.

### **Officer Recommendation**

That advertisement consent be granted, subject to the conditions detailed below, and that the final drafting of conditions and the addressing of any further material considerations that may come to light be delegated to the Assistant Director of Planning, Housing and Climate Emergency.

### **Conditions**

#### **Removal of Existing Signage**

Prior to the installation of the signage hereby approved, the existing signage that is labelled "signs to be removed" and "43780(a)" and "43780(b)" on the elevational drawings with reference 43780/P01/19 (1 of 3), received 29.06.2020, shall be permanently removed from the application site.

Reason: In the interests of visual amenity, neighbouring amenity, and highway safety, and in accordance with Policies DE1, DE3, DE6, SS10, HE1, TA1 and TA2 of the Adopted Torbay Local Plan 2012-2030, and Policy TH8 of the Torquay Neighbourhood Plan.

#### **Siting**

For the avoidance of doubt, the signage hereby approved shall be sited in the positions shown on the plan with reference 43780-P01-19 (3 of 3), received on 29.06.2020, and not in the positions shown on the 3D aerial view on the plan with reference 43780/P01/19 (2 of 3).

Reason: For the avoidance of doubt in light of the discrepancy between the siting of the signage on the respective drawings, and in the interests of visual amenity in

accordance with Policies DE1, DE6, SS10 and HE1 of the Adopted Torbay Local Plan 2012-2030, and Policy TH8 of the Torquay Neighbourhood Plan.

### **Standard Advertising Condition**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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 Advertisements) (England) Regulations 2007.

### **Informatives**

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**

#### **Torbay Local Plan Policies**

SS3 – Presumption in favour of Sustainable Development.

DE6 – Advertisements.

DE1 – Design.

DE3 – Development Amenity.

SS10 – Conservation and the Historic Environment.

HE1 – Listed Buildings.

TA1 – Transport and Accessibility.

TA2 – Development Access.

**Torquay Neighbourhood Plan Policies**  
TH8 – Established Architecture