

Report to: **Strategic Planning Committee**

Date of Meeting: 29 January 2019

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 9

Subject: **Review of East Devon Area of Special Control of Advertisements (ASCA)**

Purpose of report: To seek Members agreement to commence consultation on changes to the areas included in the East Devon Area of Special Control of Advertisements.

Recommendation: **That Members agree to consultation being undertaken on the proposed changes to the area covered by the Area of Special Control of Advertisements as set out in the attached consultation document.**

Reason for recommendation: To ensure that consultation is undertaken and feedback duly considered before making any amendments to the Area of Special Control of Advertisements.

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Financial implications: There does not appear to be any financial implication to comment upon.

Legal implications: A local planning authority can only make an area of special control order after it has been approved by the Secretary of State. Detail is set out in regulations 20 and 21 of and Schedule 5 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007/783. Before making an order and applying for approval from the Secretary of State, local planning authorities are expected to consult local trade and amenity organisations about the proposal. There are no legal implications at this consultation stage other than as set out in the report.

Equalities impact: Low Impact
Changes to the Area of Special Control of Advertisements will not have specific equalities impacts.

Risk: Low Risk
There is a risk that if the Area of Special Control of Advertisements is not reviewed in accordance with legal requirements then its legitimacy could be challenged.



Links to background information:

- [Review of East Devon Area of Special Control of Advertisements - East Devon](#)
- [24th July SPC agenda](#)
- [24th July SPC minutes](#)
- [Axminster Masterplan - East Devon](#)
- [Guide to review of ASCA](#)

Link to Council Plan: Encouraging communities to be outstanding.

Report in full

1. Purpose, extent and need to review the Area of Special Control of Advertisements

- 1.1 In an Area of Special Control of Advertisements (ASCA) there are stricter controls on the type, size and height of advertisements. An ASCA should only be designated where there is a need for special protection due to scenic, historic, architectural or cultural features.
- 1.2 The vast majority of East Devon is designated as an ASCA, with only Exmouth and small areas of Axminster, Beer, Budleigh Salterton, Honiton, Ottery St. Mary, Seaton and Sidmouth being excluded. The ASCA was originally designated by Devon County Council in 1964 and was last modified in 2002. Since then significant changes have occurred that could affect the justification for areas being included in the ASCA including the continued growth of the towns, the development of Cranbrook and the designation of the Enterprise Zone. There is a legal requirement to review an ASCA at least every five years to see if it should be revoked or modified and the changes that have occurred since 2002 clearly indicate that modifications may be required.
- 1.3 At its meeting on 24 July 2018, this Committee agreed that a review of the ASCA should be undertaken and that any revised proposals should be considered by the Committee prior to public consultation.
- 1.4 A draft consultation paper is attached to this report that sets out proposed changes to the area covered by the ASCA. In general the size of the ASCA is proposed to be reduced to reflect the extent of urban development, although there are some areas that are proposed to be included in it.

2. Summary of Changes Proposed to the Area of Special Control of Advertisements

- 2.1 The review has looked at whether the extent to which the main towns should be excluded from the ASCA together with the commercial centres of Beer and Colyton and the Enterprise Zone.
- 2.2 In Axminster, Exmouth, Honiton, Ottery St. Mary, Seaton and Sidmouth the proposed boundary generally follows that of the Built-up Area Boundary (BUAB) defined in the Local Plan (except where the land is also in an Area of Outstanding Natural Beauty AONB). This would result in an overall reduction in the area covered by the ASCA.
- 2.3 In Axminster the BUAB includes a mixed use allocation to the east of the town, but there is uncertainty over the extent of the land likely to be developed and this is currently subject to a master planning exercise. The area proposed to be excluded

from the ASCA does not include this allocation due to the uncertainty over what will be delivered and when, but the option is included for consultation as an alternative.

- 2.4 Budleigh Salterton is 'washed over' by the East Devon AONB and so only the town centre (as defined in the Local Plan) is proposed to lie outside of the ASCA. This would result in three small areas being included in the ASCA and one area being excluded so the net effect in Budleigh would be to enlarge the area covered by the ASCA.
- 2.5 Cranbrook is wholly inside the ASCA and the proposal is to remove from the ASCA the areas already developed or with planning permission for development. An alternative approach could be to also remove the expansion areas set out in the emerging Cranbrook Plan, but this is not recommended as the plan is not yet finalised.
- 2.6 The Exeter and East Devon Enterprise Zone comprises four separate sites in East Devon: the Science Park; Sky Park; the Airport Business Park and Cranbrook Town Centre. The stricter rules that apply in an ASCA are not compatible with the simplified planning regime of the Enterprise Zone and so it is proposed that they are wholly removed from the ASCA.
- 2.7 Beer differs from other East Devon villages because most of the village centre is already excluded from the ASCA. It has been considered in this review in order to consider aligning the boundary of the ASCA with the village centre boundary defined in the Beer Neighbourhood Plan (and the East Devon Villages Plan). The only part of Beer that lies outside of the ASCA is part of Fore Street and the frontages of properties facing it. It is proposed to take out additional land at the rear of these premises so that the boundary of the ASCA matches that of the Village Centre boundary defined in the Beer Neighbourhood Plan. This would also result in a small residential development being included in the ASCA.
- 2.8 The whole of Colyton currently lies in the ASCA, but it has been considered in this review for the sake of consistency because both Beer and Colyton have town/village centres defined in the Villages Plan. It is proposed to take out the commercial centre of Colyton to enable slightly more flexibility for local businesses (all of the land is in a Conservation Area so in practice the differences that not being in the ASCA would make would be marginal).

3. Ward Member and Parish/Town Council Consultation Responses

- 3.1 At the meeting on 24th July 2018 Members requested that Ward Members and parish councils in any areas affected by proposed changes to the ASCA should be informally consulted prior to this Committee considering wider consultation documents.
- 3.2 A guide was produced to inform the process and the comments received are summarised in the table below.
- 3.3 Most of the comments made were about Sidmouth with some support for the proposed changes and some support for keeping the existing boundaries. In terms of the comments on the land allocated in Sidmouth for employment in the adopted Local Plan it should be noted that this site is within the AONB and so it is proposed to keep it inside of the ASCA. Although Colyton Town Council did not support the change proposed to remove the town centre from the ASCA, it has been kept in the consultation document so that wider views can be sought but the option of retaining the whole of Colyton in the ASCA is also included as an option.

Table of comments received from Ward Members and Parish/Town Councils

Settlement	Comment
Axminster	Ward Member agreed with the "white area" in Axminster Town Centre being included in the ASCA, together with the small areas (currently excluded), which lie outside the BUAB. I agree that the whole of the land within the black line (excluding the "white area") should be excluded from the ASCA. I agree that the whole of the mixed use, Local Plan allocation should be excluded from the ASCA.
Colyton	Town Council agreed unanimously that the ASAC for Colyton should remain as it currently is with the whole of Colyton in the ASAC.
Cranbrook	Cranbrook town councillors appear to be in support of the proposed exclusion of most of Cranbrook from the Area of Special Control of Advertisements. However, controls should be established to control the location and content of adverts on aesthetic grounds and, particularly, how they might sit in a Healthy New Town. Cranbrook one of ten national Healthy New Towns, an NHS England initiative.
Exmouth	Exmouth Town Council Planning Committee discussed the above review document and did not object to the proposed changes.
Sidmouth	<p>Town Council - I can see the logic of removing the Area of Special Control from the whole of Sidmouth, other than the AONB, in order that a single set of rules will apply. My concern, however, relates to the Conservation Area in and around the Town Centre which is within an Area of Special Control at present. I would not wish to see the Area of Special Control removed from this area unless other regulations already apply which impose strict control of advertisements by virtue of its status as a Conservation Area.</p> <p>Ward Member - Happy to leave as it is at present.</p> <p>Ward Member - I can't see a problem with changing the boundary for the ASCA as suggested to match the BUAB/AONB boundary.</p> <p>Ward Member - I note that the guiding principles state that Sidmouth land within the BUAB 'will be excluded from the ASCA unless it is within an AONB'</p> <p>Other considerations state 'where there are areas of large scale development on the edge of towns that lie outside of the adopted BUAB consideration will be given to whether these should also be excluded from the ASCA'. Examples given include land at Honiton and south of Ottery St Mary.</p> <p>I am very concerned that the current proposed development at Two Bridges Road, Sidford, has not been specifically mentioned. If approved, this major development would encroach into the AONB, so I would ask for assurance that this area, together with</p>

Settlement	Comment
	<p>land at Bowd and Middlemoor, would still have strict controls over advertising/signage.</p> <p>I would ask you to take note of the planning consent given for development of the recycling centre at Bowd, Sidford (approved on 12th September 2012) which imposed strict conditions with regard to signage and lighting. The Devon County Council planning reference is 12/0884/CM.</p> <p>'Schedule of Conditions:</p> <p>11. Before the development commences, the design and details of the proposed signage within the site, along the access road and at the entrance to the site shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To minimise the urbanising impact of the signage on the rural character of the AONB, in accordance with East Devon Local Plan Policy EN1 (AONB).'</p> <p>12. relates to design and location of signage</p> <p>'Lighting</p> <p>25. Unless otherwise agreed in writing by the Waste Planning Authority, site lighting shall be switched on no more than one hour before the site opens to the public and shall be switched off no more than one hour after the site closes to the public (as specified in Condition 18), except in the case of emergencies.</p> <p>REASON: To ensure that the site does not cause a detrimental impact on the AONB and protected species, in accordance with East Devon Local Plan policy EN1 (AONBs) and Structure Plan policy C)10 (Protection of Nature Conservation Sites and Species).</p> <p>26. Before development commences, details of the lighting units shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details. At no times shall the levels of luminance exceed the indicated levels on the approved plan 4933/105 (Site Lighting)</p> <p>REASON: To ensure that the light from the site does not cause a detrimental impact on the inherently dark landscape of the AONB, in accordance with East Devon Local Plan policy EN1 (AONB) and to ensure that light from the site does not have an adverse impact on bats, in accordance with Structure Plan policy CO10 (Nature Conservation Sites and Species).'</p> <p>Please note that the Sid Valley, has thirteen species of bats recorded (see my objections to planning application 18/1094/MOUT in June 2018 – European protected species (Appendix A)). These include three</p>

Settlement	Comment
	<p>out of the four bats with SAC designation: Barbastelle, Greater Horseshoe and Lesser Horseshoe. The site at Two Bridges Road also has dark skies status – semi rural.</p> <p>I would also draw your attention to the fact that activities and developments outside the boundaries of AONBs may affect land in the AONB. Section 85 of the CROW Act clearly requires that authorities must 'have regard irrespective of where the effects on the AONB originate'.</p>

4. Process for Reviewing the Area of Special Control of Advertisements

- 4.1 It is proposed that the attached paper is consulted on from 5 February until 19 March 2019. The Government expects local trade and amenity organisations to be consulted and in addition the views of Parish Councils will be re-sought.
- 4.2 Following consultation, responses will be considered before the revised boundary is put forward for consideration by this Committee and Full Council.
- 4.3 Confirmation of the revised ASCA would then need to go through set legal procedures that include submission of the proposals to the Secretary of State. It may then be necessary for the changes to be considered by an Inspector at an inquiry and further consultation may also be necessary before changes to the Order are confirmed.