



# JOINT AREA COMMITTEES IN SOUTH SOMERSET

## Officer Report on Planning Application

**09/01993/ADV**

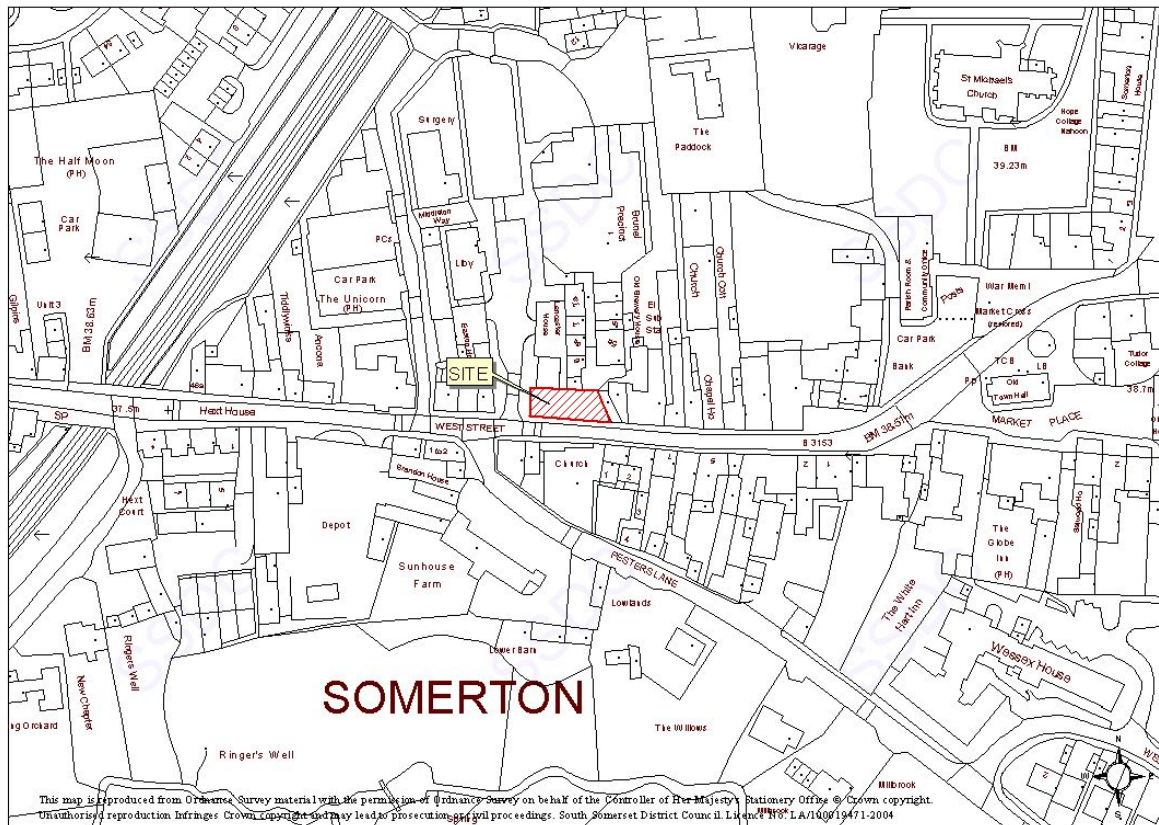


<b>Proposal :</b>	The display of a non-illuminated fascia sign and a non-illuminated projecting sign (GR: 348912/128520)
<b>Site Address:</b>	Eddystone House West Street Somerton
<b>Parish:</b>	Somerton
<b>Ward : (SSDC Member)</b>	WESSEX Mrs Jill Beale (Cllr), Mr Tony Canvin (Cllr)
<b>Division (SCC Member)</b>	SOMERTON Mr Jimmy Zouche (Cllr)
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	14th July 2009
<b>Applicant :</b>	Boots Chemist PLC
<b>Agent:</b>	Mr John Stokes Wood & Wood Signs Heron Road, Sowton Estate, Exeter, Devon EX2 7LX
<b>Application Type :</b>	Other Advertisement

### REASON FOR REFERRAL TO COMMITTEE

The Area Chairman concurs with Ward Members that the concerns raised by the Town Council regarding highway safety resulting in the presence of the projecting hanging sign requires further consideration.

### SITE DESCRIPTION AND PROPOSAL



Boots Chemist is located on the north side of West Street adjacent with the junction giving access from the car park that is adjacent to Williams Supermarket. The area forms part of the conservation and development areas. The building is listed and a separate application for listed building consent was received.

The separate application for Listed Building Consent (09/01997/LBC) was granted based on the character, setting and visual amenity considerations that were relevant to that application.

The proposal is for the location of two advertisement signs: a replacement fascia over the entrance, and a newly introduced projecting hanging sign. Local concerns relate to the projecting hanging sign, which is the reason for the current application coming before Area Committee. The concern centres on highway safety.

## **HISTORY**

09/01997/LBC

Display of a non-illuminated fascia sign and a non-illuminated projecting sign. Approved.

06/01936/LBC

Paint existing varnish framework to windows in white. Approved.

02/02195/ADV

Erection of a hanging sign. Approved.

02/02243/LBC

Erection of 1(no.) non-illuminated fascia sign, hanging sign and wall sign. Approved.

Various permission prior to 1997

## **POLICY**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant development plan documents unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires -(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

Relevant Development Plan Documents:

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008)

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

## CONSULTATIONS

EN3 - The Historic Environment  
EC6 - Town Centres and Retailing

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development  
STR5 - Development Inside Towns, Rural Centres and Villages  
Policy 9 - Historic Environment

South Somerset Local Plan 2006

MS7 - Control of Advertisements  
ST5 - Principle of Development  
ST6 - Quality of Development  
EH3 - Listed Buildings  
EH1 - Conservation Area  
EH5 - Setting of Listed Buildings

South Somerset Sustainable Community Strategy

Goals 7 & 8

PPS's/PPG's

PPG19 - Outdoor Advertisement Control

Extract:

Considerations of "public safety"

15. In assessing an advertisement's impact on "public safety", LPAs are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. LPAs will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. LPAs will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, LPAs will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.

PPS1 - Delivering Sustainable Development  
PPG15 - Planning and the Historic Environment

Parish/Town Plan - Somerton

Other Relevant Documents:

Circular 03/07 - Town and County Planning (Control of Advertisements (England) Regulations 2007

## CONSULTATIONS

### Statutory Consultees

Town/ Parish Council - No objections to the fascia sign, but would recommend refusal of the projecting sign, on grounds of safety. The pavement is very narrow at this point, and the sign on the neighbouring shop was completely broken/removed by a passing lorry. With a projection at some 600mm the same fate is considered to be inevitable for any sign such as the one proposed, with the inherent danger to pedestrians should it be hit by vehicles.

County Highway Authority - In response to the Town Council's observations regarding the hanging sign: The sign is to be erected at a point where the width of the carriageway is restricted. Whilst the width of West Street is sufficient to enable two cars to pass this is not the case in the event of two larger vehicles meeting. When two larger vehicles meet at this point a situation arises where one vehicle gives way to the other. On this basis, whilst it is acknowledged that the width of the footway is limited it is unlikely that two large vehicles will pass each other at this point and therefore it is unlikely that the sign will be hit. I would however recommend that the sign be erected at such a height that there is a minimum vertical clearance of 2.5m between the base of the sign and the footway below.

### Others

SSDC Technical Services - No comment

Historic Conservation - Both signs should be painted wood with a bead/ frame.

## REPRESENTATIONS

13 Neighbour notifications were issued. A site Notice (listed building in conservation area) was posted. There have not been any responses received.

## CONSIDERATIONS

The considerations involved in determining an application for advertisement consent are limited to visual amenity and highways safety. As stated above the reason for referral of this item to committee is the presence of the projecting hanging sign and particular fears for pedestrian safety.

### Highway Safety:

The County Highway comments, given above, reflect their opinion in response to the Town Council's observations concerned with the loss of a nearby hanging sign that was knocked by a passing vehicle and collapsed onto the footpath. This part of West Street is relatively narrow with the pavement no more than 2metres wide at this point, while the proposed hanging sign projects 0.64 of a metre from the building's surface.

The Highway response is to ensure that the sign is raised to create a vertical clearance of 2.5metres between the bottom of the sign and the footpath. This repositioning is acceptable to the conservation officer.

Public safety is given further consideration in the advice contained in PPG19 (control of advertisements). The relevant paragraph is repeated in the policy section (above). In assessing an advertisement's impact on "public safety", the Local Planning Authority is expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians). As part of this process the opinion of County Highways' is relevant and without their backing planners do not consider it appropriate to seek a refusal.

Members should consider whether the hanging sign and its exact location as proposed, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety.

**Visual Amenity:**

The proposal is for non-illuminated signs both involve the use of timber, painted with the use of vinyl lettering that imitate a painted finish. This is considered acceptable and has the support of the conservation officer. The proposal is considered not to have any detrimental effect on the character and setting of the listed building and the character and appearance of the conservation area.

**SECTION 106 PLANNING OBLIGATIONS / UNILATERAL UNDERTAKING**

None

**RECOMMENDATION**

Grant Consent for the following reason:

The proposal, by reason of their size, scale and materials, causes no demonstrable harm to highways safety, to visual amenity and to the character and appearance of the conservation area and the character and setting of listed buildings, in accordance with the aims and objectives of policies MS7, EH1, EH3, EH5, and ST6 of the South Somerset Local Plan (2006).

**SUBJECT TO THE FOLLOWING:**

01. This consent shall expire at the end of a period of five years from the date of this decision notice.

Reason: Required to be imposed pursuant to paragraph 14 (7) (b) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

02. (a) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(b) Any hoarding or similar structure or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

(c) Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(d) Before any advertisement is displayed on land in accordance with the consent now granted, the permission of the owner of that land, or of a person entitled to grant such permission, shall be obtained.

(e) The consent now granted is limited to a period of five years from the date hereof.

Reason: To accord with Schedule 2 (Regulation2(1)) of the Town and Country Planning (Control of Advertisement) Regulations 2007.

02. No development shall take place before details showing a bead/ frame surround for the fascia sign is submitted to and agreed in writing by the Local Planning Authority. Such details as shall be agreed in writing shall be undertaken as part of the development hereby permitted.

Reason: In the interests of visual amenity including the character and appearance of the conservation area and the character and setting of the listed building further to policies MS7, EH1, EH3, EH5 and ST6 of the South Somerset Local Plan 2006.

03. The hanging sign hereby permitted shall be erected at such a height that there is a vertical clearance of 2.5metres between the base of the sign and the footway below. The location of the proposed hanging sign shall not otherwise be moved to any other point along the elevation other than the vertical repositioning referred to.

Reason: In the interests of highway safety and visual amenity, both the character and appearance of the conservation area and the character and setting of the listed building in accordance with policies MS7, EH1, EH3, EH5, ST6 of the South Somerset Local Plan 2006.

04. The scheme hereby granted consent shall not be carried out otherwise than in complete accordance with the submitted plans and specifications and revised scheme detailed at the end of this condition. In the event that the work is not completed strictly in accordance with such approved plans and specifications, or shall become impracticable for whatever reason, work shall thereupon cease and only be recommenced if and when Listed Building Consent shall have been obtained in regard to a further amended scheme of works which renders completion of the scheme practicable. The application was amended by drawing no. 13094 REVB received 26th June 2009.

Reason: To avoid any ambiguity as to what is approved.