

Application Number	2023/0516/ADV
Case Officer	Oliver Down
Site	Land On The South Side Of Station Approach Frome Somerset
Date Validated	11 May 2023
Applicant/ Organisation	Wildstone Estates Limited
Application Type	Application to Display Adverts
Proposal	Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display
Division	Frome East Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Shane Collins Cllr Helen Kay

3. **WHAT 3 WORDS**

The application site can be found by entering the following words into the What 3 Words website / app (<https://what3words.com/>)

///washed.back.stay

SCHEME OF DELEGATION

This application was referred to the Vice Chair and Chair of planning board due to the Divisional Member requesting the proposal to go to planning committee. The Chair decided that the application should go to the committee, due to the amount of public interest ,and concerns raised by the local Members.

Description of Site, Proposal, and Constraints:

The proposal seeks advertisement consent to erect one no.48 sheet externally illuminated paper and paste advertising display. A previous application has been approved that allows a digital board to be erected. This proposal puts forwarded an alternative scheme.

Relevant History:

2022/2286/ADV: Erection of 1 no. Digital Advertising Board – Approval

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Divisonal Member: I object to this revised application for an illuminated 6m x 3m billboard and would like it to be called in to be decided on in public by the planning board. This is based on:

- Amenity
- Affect on Conservation Area
- Highway safety

Frome Town Council: Frome Town Council appreciates the steps that the applicant has taken after listening to residents' concerns regarding the previous application for a digital billboard. FTC have no objection to the proposed paper-and-paste display.

Frome Civic Society: objects to this gigantic, intrusive advertising board on the following grounds. (1) Vehicle, cyclist and pedestrian safety. Harm to the character of the Conservation area which extends along the opposite side of the road.

Local representations: 5 local representations in objection have been received and these are based on these points as raised:

- Residential amenity
- Traffic and highways

The comments received are based on similar points, with the advert considered as being detrimental to the character of the area, a distraction to highways users and an unnecessary use of energy.

Summary of all planning policies and legislation relevant to the proposal:

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:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) Version
- Mendip District Local Plan Part II: Sites and Policies (December 2021) Post JR
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage and Conservation
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Development

The following policies of the Frome Neighbourhood Plan are relevant to the determination of this application:

- D1 – Design in Urban Landscapes

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Advertisements

A digital billboard has been approved under the reference number: 2022/2286/ADV in the same location as the advertisement applied for under this application. This application, therefore, proposes an alternative scheme which is understood to have been submitted to address comments received by third parties.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework (National Planning Policy Framework) adverts can be implemented in the interests of 'local amenity' and 'public safety'. The area currently has adverts and signage, the additional advert in the paper is an improvement over the digital format previously approved.

The advertisements shall be sited by the entrance to a retail area and Frome Train station. Currently, there are numerous adverts in the area to each side of the highway and across the main road. The proposed advert will not result in an unacceptable proliferation of advertisements

Objections have been raised on the subject of light pollution that would be created by the advert. It must be taken into account that the lighting used on the paper paste advert would be considerably reduced when compared to the previously approved digital board. The A369 has a busy street scene with lighting, the additional lighting from the advert would not be detrimental to visual amenities. Therefore, this is an improvement to the scheme when compared to the previously granted advertisement consent.

For the above reasons, the proposal would be acceptable taking into account the context of the area. By reason of the design, scale, materials, colours, the extent of illumination, and the number of signs, the proposed advertisement display(s) would have an acceptable impact on the visual amenity of the locality.

Highway safety

Given the siting, scale, extent of illumination, and height above the highway, the proposed advertisement display would not pose a hazard to drivers on the highway or cause any obstruction to pedestrian safety.

The proposal would therefore comply with saved Policy DP1, DP7, and DP9 of the adopted Local Plan Part 1 (2014) and the aims of the National Planning Policy Framework.

Conservation Area

The siting of the advert is near the edge of the Conservation Area. There are numerous adverts, in the area, and whilst this would be one of the largest, in the context of the retail park the advert would have a limited impact and would preserve the character and appearance of the Conservation Area.

There is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding conservation area. The proposal meets these tests.

Impact on listed buildings

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Nos 7-11 on Wallbridge close are set back from the A369. The advert would be set a sufficient distance from the listed buildings to ensure that their significance is not harmed. The impact on the listed building is therefore acceptable.

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.

Recommendation

Approval

Conditions

1. **Plans List (Compliance)**

This decision relates to the following drawings: Planting plan: 01, The location plan: 19979/PA/01, Site location plan, elevations and photos: 19979/PA/01, 02, 03 REV A, 04, 05, 06

Reason: To define the terms and extent of the permission.

2. **Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3. **Standard Advertisement Conditions (Compliance)**

a. 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.

b. No advertisement shall be sited or displayed so as to -

(i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c. 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.

d. 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.

d. 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: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informatives

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local

Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>