

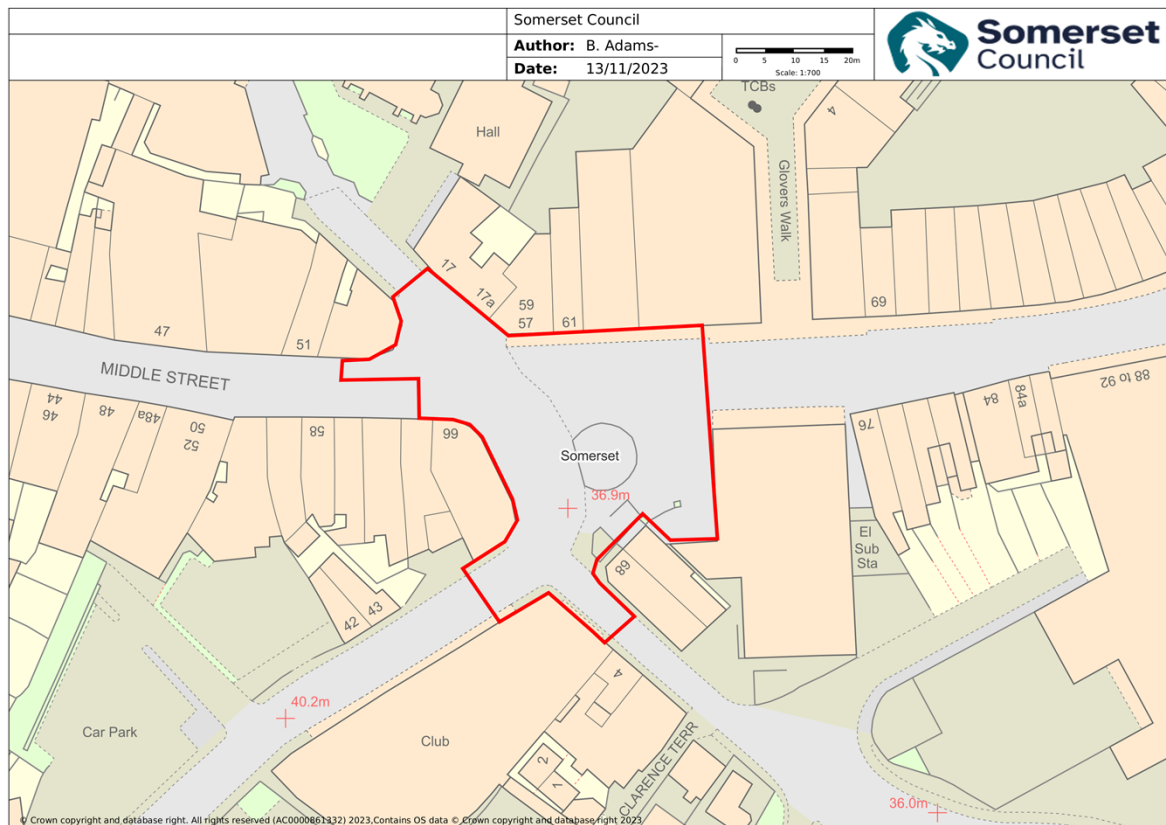
Officer Report On Planning Application: 23/00860/R3C

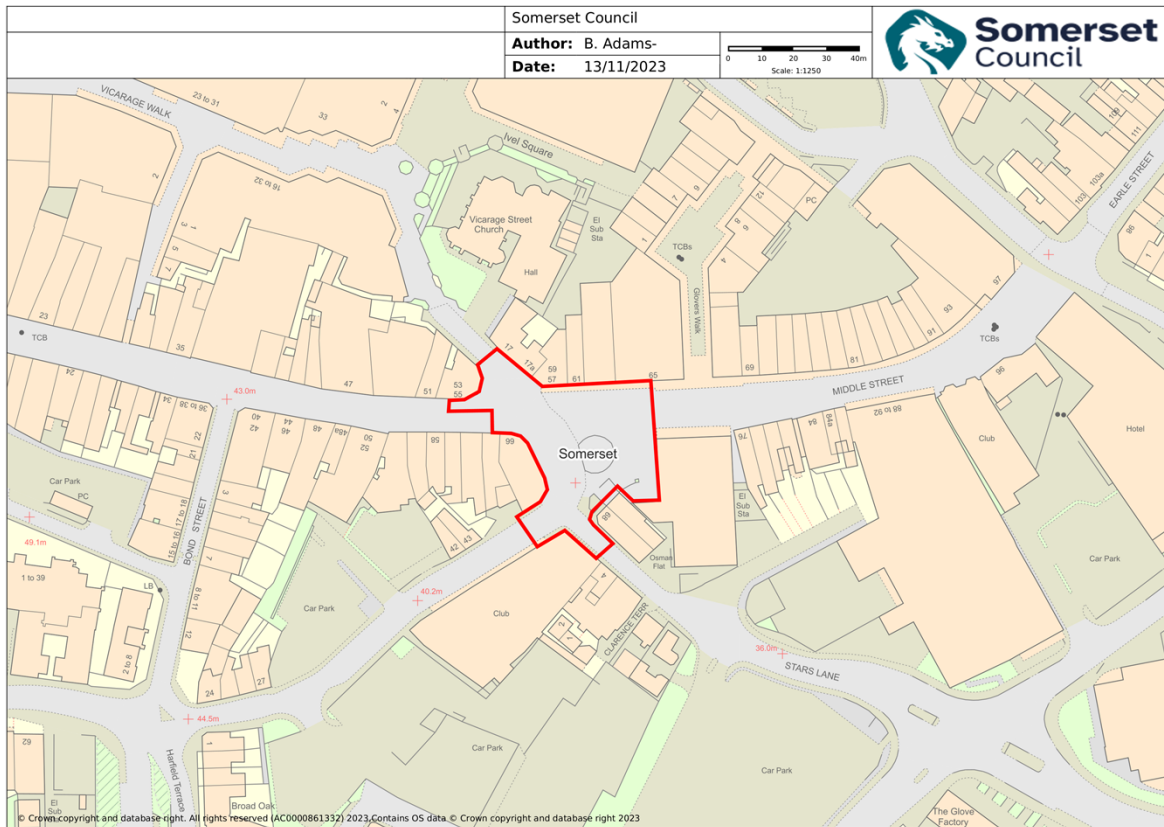
Proposal:	Proposed Large LED Screen
Site Address:	Land At The Triangle, Middle Street, Yeovil, BA20 1LQ
Parish:	Yeovil
YEOVIL SOUTH Division:	Cllr Faye Purbrick Cllr Andy Soughton
Recommending Case Officer:	Oliver Jones (Specialist)
Target date:	17th April 2023
Applicant:	Mr Ian Timms
Agent: (no agent if blank)	Mr Philip Staddon 26 Lea Crescent, Longlevens, Gloucester GL2 0DU
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Planning Committee (South) as the application is made by Somerset Council.

SITE DESCRIPTION





The application site relates to land and public square known as 'The Triangle' to the eastern edge of Yeovil's town-centre and is formed by the junctions of Middle Street, Vicarage Lane and South Street / Stars Lane. The site lies to the eastern end of the identified 'Primary Shopping Frontage' which extends along Middle Street, and is also outwith the town centre Conservation Area. The site slopes gently down from west to east and the square's sense of enclosure is formed through a mixed architectural offering of mostly 3-storey buildings hosting a range of uses expected in this town centre location.

PROPOSAL

This full application is made in full and seeks planning permission for the erection of 1no. LED screen. It would be positioned alongside the eastern edge of The Triangle, against No. 74 Middle Street currently occupied by 'Poundland'. It would be supported on a steel pole structure and displayed approximately 3-metres above ground level. The screen itself would be presented in a 'landscape' format and would be 5.1-metres wide by 2.9-metres high. There would be 2 speakers, set either side of the screen. It is envisaged that the screen would be used to broadcast a number of key events (sporting, royal etc) throughout the year and when not in use for this purpose, it would be used for displaying static advertising on a loop, without sound - with images no changing any more often than every 10 seconds. The proposal forms one part of a

wider package of public realm improvements identified for 'The Triangle' area of the town-centre, which in themselves comprise part of the more extensive 'Yeovil Refresh' scheme.

A concurrent application for advertisement consent (23/00861/ADV refers) is under consideration. This is required given the proposed use of the screen advertisements.

HISTORY

None

POLICY

South Somerset Local Plan 2006 - 2028

SD1 Sustainable development

EP13 Protection of retail frontages

TA5 Transport impact of new development

TA6 Parking standards

EQ2 General development

EQ3 Historic environment

EQ4 Biodiversity

EQ7 Pollution control

National Planning Policy Framework (2023)

Chapter 2 Achieving sustainable development

Chapter 4 Decision-making

Chapter 6 Building a strong, competitive economy

Chapter 7 Ensuring the viability of town centres

Chapter 8 Promoting healthy and safe communities

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 15 Conserving and enhancing the natural environment

Yeovil Town Centre Refresh (2018)

Yeovil Public Realm Design Guide (2020)

CONSULTATIONS

Local Highway Authority - comment

13/11/23 - the area on which this screen would stand is covered by full vehicular highway rights:

In this regard the erection of the screen would remove the ability for vehicles to access the highway which cannot be done without a TRO. These currently cost £3300 and there is no guarantee that the public consultation would be successful.

If permission is granted the full legal situation would need to be investigated and a TRO applied for. A failure in this process would mean the permission could not be implemented.

Further, the screen would have to be positioned so as to not create a risk of glare or dazzling for any highway users. Conditions would be appropriate to ensure the luminance of the screen accords with the Institute of Lighting Engineers current guidance on sign illumination in the public realm, and conditions to secure this would be appropriate.

SC Environmental Health -

12/10/23 - Noise and light intrusion from the proposed LED screen have the potential to have a detrimental impact on the amenity of nearby residential properties. The planning statement suggests that the proposed hours of use of the LED screen will be 07:00 hours to 22:00 hours.

In order to mitigate any impact on amenity, I would recommend that a condition is attached to any planning permission to restrict the hours of use to those proposed in the planning statement.

Based on the above Environmental Protection therefore does not have any objections to the planning application.

Avon and Somerset Constabulary (Designing out Crime - comment

15/5/23 - I have reviewed this application on behalf of Avon and Somerset Police. At this stage I do not raise any formal objection. However I do have some relevant comments which I would request are taken into consideration.

The Yeovil Refresh Project Team contacted me prior to the formal planning application being submitted. Various discussions have taken place including a meeting to discuss the proposal which included a representative from the local

Neighbourhood Policing Team (NPT) for the Town Centre and our Licencing Officer.

The NPT have advised me that the crime and anti-social behaviour figures (ASB) for the locality where the screen will be located are high. This level can be obviously affected by the night time economy (NTE), and the new amphitheatre has the main venues in very close proximity.

The previous 'Bandstand' area, which the new amphitheatre is replacing, was often a congregating spot for street drinking and alike at various times.

So it is important that the development of this area and the use it is put to does not increase the potential for further crime and anti-social behaviour. It is also very crucial that it does not increase the fear of crime for visitors and residents. This will potentially decrease the numbers of legitimate users of the new amphitheatre and media screen.

When applying the principles of Crime Prevention Through Environmental Design (CPTED), levels of lawful activity is an area to consider and can be beneficial in reducing crime and ASB rates.

Another area under CPTED is the sense of ownership, maintenance and management. At present for various reasons the locality around the new amphitheatre, with the high number of vacant retail units and their current appearance, does not aid this point.

I realise that this application is though solely for the installation of the large media screen. So there are 2 facets to look at.

Firstly I have been supplied with plans for its installation. I have been provided with information that the sloped pathway directly behind it be well illuminated. The area under the screen will have landscaping that will not degrade surveillance opportunities behind the screen. The whole area will be fully covered by CCTV cameras.

Secondly is how it will be operated. The NPT and Licencing Officer have a number of concerns over this area. I have been advised that consideration is being given to showing various content, including planned occasions such as important sports events. If these types of events go ahead, how they are planned and controlled is very important for public safety and reducing the potential for crime and ASB, which could have an impact on demand for emergency services including the Police.

To address this second point I would ask that the Planning Authority give

consideration that if the application is passed a condition is set that details a requirement for the operators to agree a management plan/operating document with various relevant stakeholders such as Police.

COMMUNITY REPRESENTATIONS

Yeovil Town Council - Support.

15/5/23 - Support.

Public comments -

8 representations in support of the application have been received. The comments can be summarised as follows; -

- Would enhance the town centre
- Would increase footfall within town centre
- Provide ability for local businesses to advertise locally
- Great community initiative
- Can work effectively depending on what is shown (refer to success in Bristol)

14 representations objecting to the application have been received. The comments can be summarised as follows; -

- Would be subject to vandalism
- Waste of public money
- People have TVs in their homes.
- Not environmentally friendly
- Noise
- Positioned in quiet part of town
- Priority should be filling empty units within the town

1 representation neither in support or objecting has been received. The comments can be summarised as follows; -

- Could provide some benefits (i.e large local sporting events)

OFFICER APPRAISAL

Principle

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In this instance the adopted development plan is the South Somerset Local Plan (2006 - 2028). The National Planning Policy Framework (NPPF) is also a significant material consideration.

In the first instance, it should be noted that a concurrent advertisement consent application is currently under consideration by the Local Planning Authority, as required by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Advertisement Regulations) (23/00861/ADV refers). The reason for the planning permission also being required in this instance is the intended use of the LED screen for non-advertising uses; i.e the screening of events. Furthermore, the applications are not mutually dependent on each other and should be considered on their own merits.

Although there are no directly relevant policies within the development plan relating to such forms of development within town centres, the South Somerset Local Plan makes it an objective to improve the vibrancy and vitality of Yeovil town-centre. Paragraph 86 of the NPPF sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

In this case, therefore, the principle of development is considered broadly acceptable since it would introduce an addition which should generally be compatible with other town centre uses. It forms part of a wider package of regenerative initiatives focussed on Yeovil's town centre. It is considered that the main issues for consideration relate to the visual impact of the development, and how it could impact upon amenity / neighbouring uses within the town centre.

Scale, design, and visual impact

Policy EQ2 of the South Somerset Local Plan states that development will be designed to achieve a high quality and should promote local distinctiveness, preserving or enhancing the character and appearance of the area. Paragraph 130 of the NPPF emphasises the importance of high-quality design to create attractive places.

Although clearly not of any architectural merit, the proposal is befitting of its intended function and would arguably not read as alien within a town centre setting. It would be set against a backdrop of an existing building (which of itself is not considered to

be of any architectural or historical significance) and therefore, should not appear unduly prominent or overbearing within the immediate locale.

The application site is located out with any conservation area and is considered to be situated such that it would not impact on the setting of any other heritage assets, in accordance with Policy EQ3 of the South Somerset Local Plan, the relevant principles as set out within the NPPF and the statutory duties placed upon the Local Planning Authority through the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

As such, the proposal is considered to be in accord with the requirements of Policy EQ2 of the South Somerset Local Plan, as well as the principles as set out within Paragraph 130 of the NPPF.

Impact on residential amenity / neighbouring uses

The application is accompanied by an Operational Statement which sets out how it is envisaged that the screen would be used. In essence, the screen would be used to show certain events / broadcastings and when not used for this (and subject to obtaining Advertisement Consent) would be used for local advertising or otherwise switched off in the interests of energy conservation.

Officers are mindful of the existing environment in which the screen would be located. While there is potential for the addition to increase noise and illumination levels, this would be in context of existing town centre uses and indeed, nearby licensed night-time economy establishments. As set out within the supporting statement, the prevailing use of the screen would be during the day and evening. Comments have been provided by the Council's Environmental Health Team whereby no objections are raised, subject to a condition which limits hours of use to between 07:00 hours to 22:00 hours only.

Some concerns have also been raised with respect to the potential impact that an addition could have on, potentially in terms of leading to an increase in crime or anti-social behaviour. As set out by the Designing Out Crime Officer, it is acknowledged that this area is subject to some levels of congregating for drinking. It is therefore important that the addition does not further encourage this and add to the sense of fear of crime which may prove counterproductive to the objectives of the initiative and enhancing this part of the town. It is noted that CCTV is in operation in this location.

Taking the two points into consideration and notwithstanding the separate licensing regime, it is considered reasonable and necessary to secure a detailed operational

and management plan which sets out measures for co-ordinating events / screenings in the interests of amenity and crime prevention.

When having regard to the town centre location and general compatibility with existing neighbouring uses, it is considered that subject to further details the proposal can be considered in accordance with Policy EQ2 of the South Somerset Local Plan and the principles relating to amenity as set out within Paragraph 130 of the NPPF.

Access and highways safety

Policy TA5 of the South Somerset Local Plan seeks to ensure safe access and highway safety and that the local highway network can absorb the traffic impacts of developments. Chapter 9 of the NPPF at paragraph 111 explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal would be situated within an existing pedestrianised area / low speed environment. As per the comments provided by the Local Highway Authority, a Traffic Regulation Order (TRO) would need to be applied for and be successful in order to remove vehicles from accessing the area which the proposed screen would be situated. This process falls outside the planning regime but an informative is appended to ensure that the applicant is aware that a TRO is secured prior to any development starting.

It is not considered such that would lead to any distraction to vehicle users or pedestrians which could present a highway safety concern when having regard to other illuminations when taking cumulatively. Nevertheless and as commented by the Local Highway Authority, a safeguarding restricting the illumination levels to those which accord with the Institute of Lighting Engineers is recommended.

Furthermore, it would not lead to any loss in parking spaces within the town or otherwise compromise goals with respect to promoting active travel.

As such, subject to conditions, the proposal is not considered to result in any highways harm and thus does not conflict with the requirements of policy TA5 and TA6 of the South Somerset Local Plan, or the principles as set out within the NPPF, namely paragraph 111.

Ecology and Impact on the Somerset Levels and Moors Ramsar / SPA

Policy EQ4 of the South Somerset Local Plan sets out that all proposals should

protect the biodiversity value of land and minimise the fragmentation of habitats, promoting coherent ecological networks. It goes on to state that proposals should maximise opportunities for restoration and enhancement and incorporate biodiversity conservation features where it is considered appropriate.

The NPPF specifies the obligations that the LPAs have regarding statutory designated sites and protected species under UK and international legislation and how this is to be delivered in the planning system.

In this case, there are no known protected species or designated sites within close proximity. The ecological value is considered low and the nature of the proposal is not such which would be considered to solicit any harm to protected species or wider ecological networks.

The proposal can be screened out of the Habitat Regulations Assessment (HRA) process on the basis that despite it being located within the hydrological catchment of the Somerset Levels and Moors Ramsar /SPA, it would not generate or facilitate any overnight accommodation and lead to any increased phosphate flows not already accommodated for within the catchment. The proposal is therefore considered nutrient neutral with no further assessment required.

CONCLUSION

The scheme is acceptable in principle as the site lies within a sustainable town-centre location and forms part of a wider package of initiatives targeted at enhancing the vibrancy and vitality of Yeovil town-centre. The scheme is subject to a separate but concurrent advertisement consent application (23/00861/ADV refers) which considers the acceptability of the erection and display of an advertisement under the appropriate regulations. Nevertheless, the erection of and use of the LED screen for events is considered broadly acceptable from a visual and residential amenity perspective. It is not considered that it would lead to any adverse highways or ecology issues. The application is therefore considered to be representative of a sustainable form of development, according with the principal determining criteria. The application is accordingly recommended for approval subject to the conditions as set out below.

RECOMMENDATION:

Grant planning permission subject to the conditions as set out below; -

01. The proposal would form part of a wider package of initiatives targeted at

enhancing the vibrancy and vitality of Yeovil town-centre and would not cause any harm to visual or residential amenity, highway safety or ecological networks. The application is therefore considered to accord with Policy SD1, EP13, TA5, TA6, EQ2, EQ3 and EQ4 of the South Somerset Local Plan, as well as the principles as set out within the National Planning Policy Framework (2023).

SUBJECT TO THE FOLLOWING:

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

02. The development shall be carried out in strict accordance with the approved drawings (1231-03-LP-1001 A AND 1231-03-SK-2313-D) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies EQ2 of the South Somerset Local Plan and the National Planning Policy Framework (2023)

03. Prior to the first use of the development hereby approved, a detailed operational management plan shall be submitted to and approved in writing by the Local Planning Authority.

The operational management plan shall include, but may not be limited to;

- An operational document agreed with the Local Licensing Authority and the Avon and Somerset Constabulary.
- Details of public relations e.g the provision of telephone numbers for complaints, pre-warning of events.
- Provision of noise monitoring during events likely to affect sensitive receptors.

Reason: In the interest of public order and residential amenity and to conform to the requirements of Policy SD1 and EQ2 of the South Somerset Local Plan and the principles as set out within the National Planning Policy Framework (2023).

04. The design and operation of the illuminated display shall comply with the following requirements;
- a) Illumination level of the display shall automatically adjust dependent on ambient conditions and shall be consistent with the guidance explained in the Institute of Lighting Professionals (ILP) Professional Lighting Guide 05 - entitled 'The Brightness of Illuminated Advertisements'
 - b) When not in use, or in the event of malfunction, the display shall turn off to show a black screen.

Reason: In order to safeguard surrounding amenity and in the interests of highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan.

05. The screen shall not be used outside of the hours of 07:00 - 22:00 Monday - Sunday including.

Reason: In order to safeguard surrounding amenity and in the interests of highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan.

Informatives:

01. The site is located on highways land which has full vehicle access rights. As such, on the basis where advertisement consent is granted the applicant would need to apply for a Traffic Regulation Order to restrict vehicular access. A failure in this process would mean the permission could not be implemented.
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