

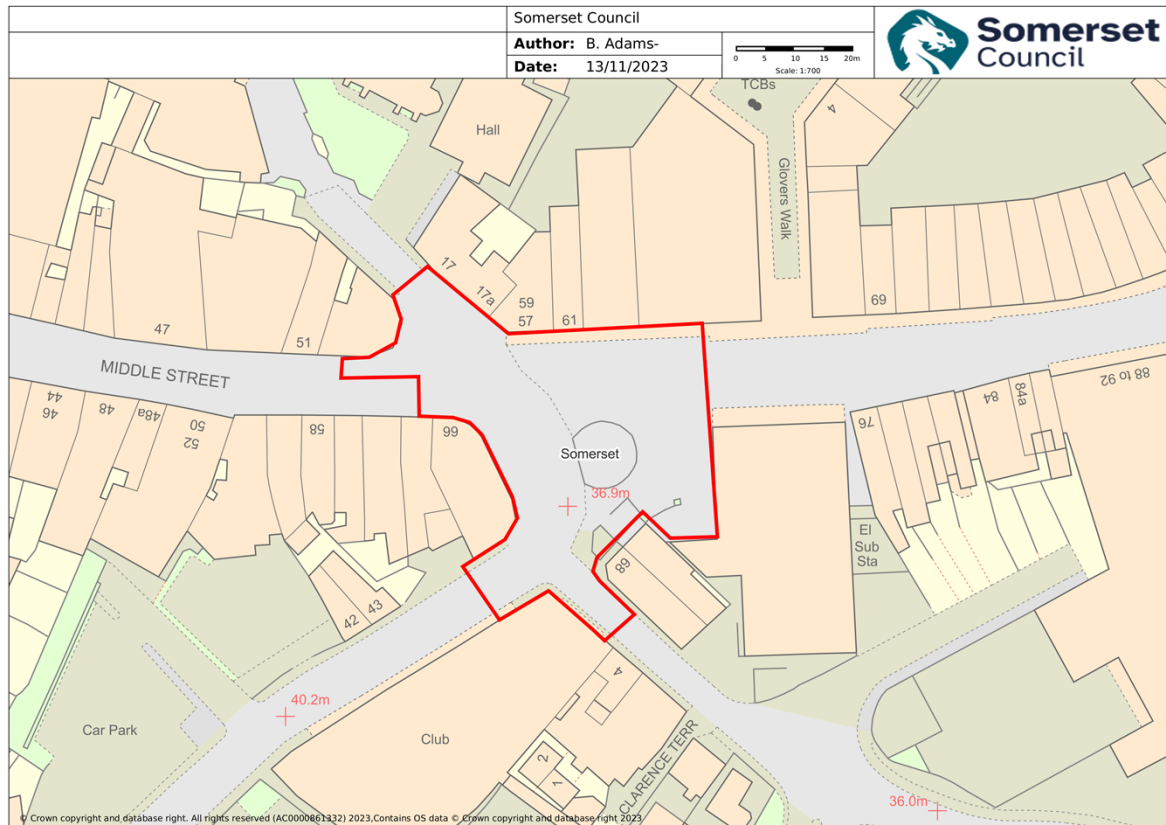
Officer Report On Planning Application: 23/00861/ADV

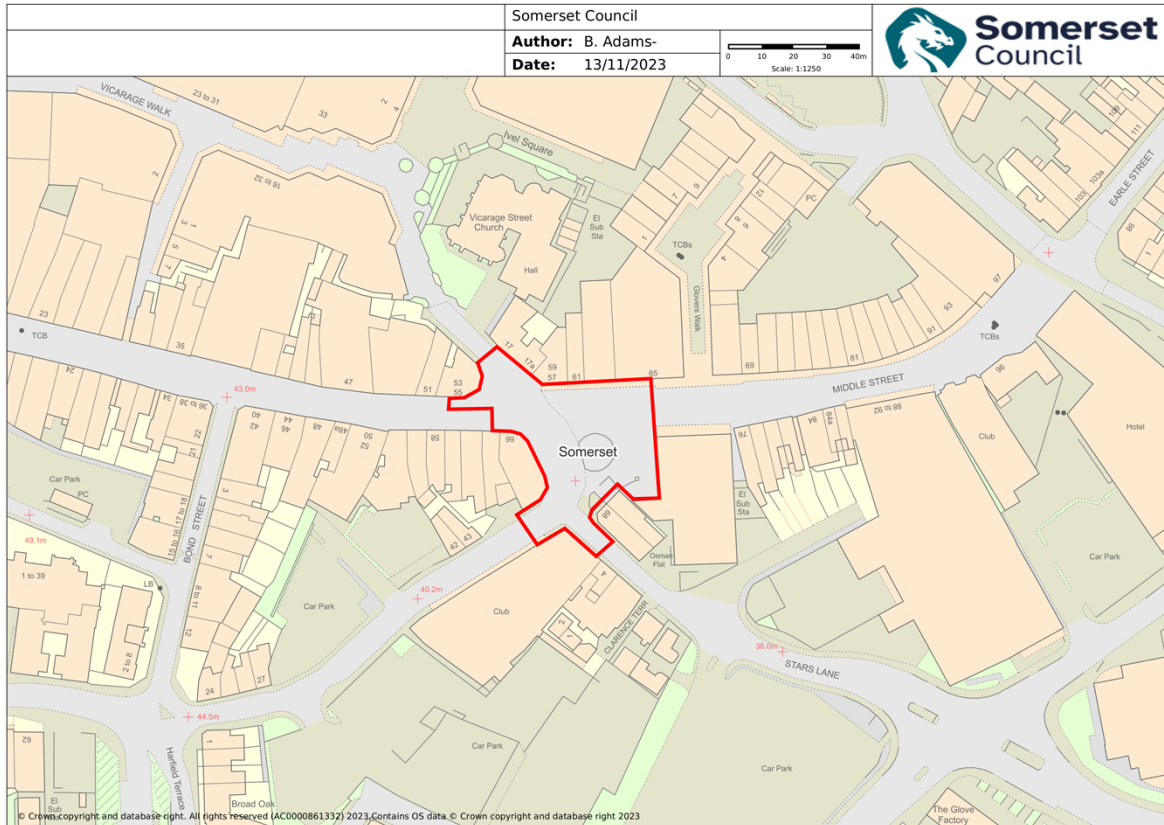
Proposal:	Proposed large LED screen.
Site Address:	Land At The Triangle, Middle Street, Yeovil BA20 1LQ
Parish:	Yeovil
YEOVIL SOUTH Division	Cllr Faye Purbrick Cllr Andy Soughton
Recommending Case Officer:	Oliver Jones (Specialist)
Target date:	22nd May 2023
Applicant:	Mr Ian Timms
Agent: (no agent if blank)	Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester GL2 0DU
Application Type :	Other Advertisement

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 application seeks advertisement consent for 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 would be used for displaying static advertising on a loop, without sound - with images not 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 planning application (23/00860/R3C refers) is under consideration. This is required given the proposed use of the screen for broadcasting of events etc, rather than solely for advertising as otherwise considered through this application under The Town and Country Planning (Control of Advertisements) (England) regulations 2007.

HISTORY

None.

POLICY

The Town and Country Planning (Control of Advertisements) (England) regulations 2007

South Somerset Local Plan

Policy EQ2 General development

Policy EQ7 Pollution control

Policy TA5 Transport impact of new development

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

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.

COMMUNITY REPRESENTATIONS

Yeovil Town Council - Support.

15/5/23 - Support, but to note that local businesses and community groups should be able to, advertise at a reasonable and affordable rate.

Public comments -

1 representation objecting to the application have been received. The comment can be summarised as follows; -

- Waste of public money

OFFICER APPRAISAL

Principle

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 136 of the National Planning Policy Framework (NPPF) states that the display of outdoor advertisements should be controlled only in the interests of 'amenity' and 'public safety' (i.e. it is not appropriate for the Local Planning Authority to question the 'need' for an advertisement). The relevant issues for consideration are therefore limited to;

- Impact on amenity and the character and appearance of the area

- Impact on public safety

Impact on amenity and the character and appearance of the area

Policy EQ2 of the South Somerset Local Plan states that development will be design 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.

Of great relevance, Paragraph 136 of the NPPF also acknowledges that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, and states that the cumulative impact of advertisements should also be taken into account. Care must be taken when signs are displayed on or close to listed buildings so that they do not detract from the character and appearance of the building.

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 outwith 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 and 136 of the NPPF.

Impact on public safety

The Local Highways Authority standing advice states that "any development shall ensure that external lighting should not interfere with the use of the highway (dazzle, glare, etc.) or considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size, detailing and proximity to the public highway".. When having regard to the town centre location close to other sources of illumination and street lighting, which emit a considerably higher intensity of light when taken cumulatively, it is not considered that the advertisement would detract from the visual amenity of the locality.

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 guidance of 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.

The proposed screen would be fixed and set against an existing building and would display static images (when used for advertising). It is not considered that the advert would therefore give rise to any other public safety concerns.

It can therefore considered in accordance with Policy EQ2 and TA5 of the South Somerset Local Plan and the principles relating to amenity as set out within Paragraph 130 and 136 of the NPPF.

CONCLUSION

The proposed advert is not considered such which would give rise to any unacceptable impact on amenity and the character and appearance of the area or public safety. Therefore it is considered that advertisement consent is granted.

RECOMMENDATION:

Grant advertisement consent subject to the conditions as set out below; -

01. The proposed illuminated digital LED advertising screen would not give rise to any unacceptable impact on amenity and the character and appearance of the area or public safety. The proposal is therefore considered to be in accordance with Policy EQ2, EQ7 and TA5 of the South Somerset Local Plan as well as the principles as set out in the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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. 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.

04. No illumination shall be displayed 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.

05. No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.

Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.
