

Application Number	2023/1851/RE3
Case Officer	Carlton Langford
Site	Land At 362482 154962 Rush Hill Ston Easton Wells Somerset
Date Validated	3 November 2023
Applicant/	L Simms
Organisation	Somerset Council
Application Type	Full Application Under Regulation 3
Proposal	Erection of a single advertisement/sponsorship hoarding signs on the triangle junction between the A37 and A39.
Division	Mendip Hills Division
Parish	Ston Easton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

Referral to Planning Committee:

The applicant is the Council and the land on which the proposed signage is to be erected is in the control of the Highway Authority (The Council) and for these reasons and in accordance with the scheme of delegation this application is referred to Planning Committee for consideration.

Description of Site, Proposal and Constraints:

The application site comprises a triangular parcel of land at the junction between the A37 and A39.

This application seeks permission to erection an advertisement/sponsorship hoarding signs on the triangle junction between the A37 and A39.

2 hoarding signs were originally proposed but for highway safety reasons one has since been omitted from the scheme.

Relevant History:

No relevant planning history.

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

Ward Member: No response

Town/Parish Council: No response

Highways Development Officer: No objections to 1 number sign.

Local Representations: 3 letters of objection have been received raising the following concerns–

- Visual impact within the open countryside on the edge of an AONB (National Landscape)
- Highway safety, impact on visibility at the junction.
- Highway safety, a general distraction.
- Increased revenue should not be a reason to allow these signs.

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 strongly 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)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- 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
- DP4 – Landscapes
- DP7 – Design and amenity
- DP9 – Transport

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Somerset Council Highways Advertising Policy (March 2022)

Assessment of relevant issues:

Applications for express consent

Local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals.

“Amenity” is not defined exhaustively in the [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#). But rather a matter of interpretation and in practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

“Public Safety” - Factors relevant to public safety are specified within the Advertisement Regulations and not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

Somerset Council Highways Advertising Policy -

This policy is intended to govern any form of advertising or sponsorship channelled through Somerset Council’s publications, promotional materials, events, council property and assets, or its website.

Somerset Council (“the Council”) intends to maximise revenue from advertising and, where appropriate will permit advertising on its assets such as roundabouts and fleet vehicles. As the designated Highway Authority, the Council is responsible for the management and maintenance of the entire highway network, including all adopted roads, bridges and structures, signage, verges, and roundabouts. The Council currently has approximately 120 roundabouts with central islands, covered in grass or shrubs, others very floral and some fully paved which would be suitable for advertising.

The Council intends to offer businesses with a local presence the opportunity to advertise and to help the local economy. The Council will ensure a consistent approach to signing, maintenance and management of advertising across its portfolio. The income generated from advertising on Highway assets will be reinvested in the Highways asset portfolio.

The Policy seeks to “include” advertising on all suitable roundabouts and any other Highways assets which are deemed appropriate, and “exclude” any roundabouts or other assets that are deemed to be unsuitable (on either safety or amenity grounds).

Design and Amenity:

The proposal is for a single hoarding sign of limited dimensions of 1000mm x 500mm with an overall above ground height of 760mm and not considered to be visually intrusive within its setting nor the wider rural landscape. The sign will not impact on any special landscapes or heritage assets.

Whilst it has been suggested that the scheme might visually impact on the AONB (National Landscape), the site is some considerable distance from this National Landscape and views will not be interrupted thereby maintaining the natural beauty of this landscape.

The type and location of sign raises no adverse amenity concerns.

Public and Highway Safety:

The Highway Officer assessed the application in terms of highway safety and concluded –

It is possible that the proposed sign to the eastern corner of the plot of land could potentially distract drivers travelling west along the A39, increasing the potential for collisions with vehicles waiting to turn left or right out of the A37 and therefore that particular sign should not be provided.

The sign located on the northwestern corner of the island poses less of a risk and is likely to be acceptable.

Based on the above comments the application was amended to remove the sign deemed unacceptable.

As there are no public footpaths in the vicinity of the site, there are no risks to pedestrian safety.

The proposed revised scheme was subsequently given Highway Officer support.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Other matters:

Increased revenue should not be a reason to allow these signs.

The proposal has been assessed in accordance with Somerset Council Policy (Somerset Council Highways Advertising Policy) which seeks to “include” advertising on all suitable roundabouts and any other Highways assets which are deemed appropriate, and “exclude” any roundabouts or other assets that are deemed to be unsuitable having regard for public safety and amenity in accordance with the [Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#).

Conclusion:

The proposed signage raises no adverse public safety nor amenity concerns and is recommended for approval.

Recommendation

Approval

Conditions

1. Standard Advert Time Limit

This consent shall expire at the end of a period of five years from the date of this

approval.

Reason: This condition is specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. **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.

3. **Plans List (Compliance)**

This decision relates to the following drawings:

LOCATION PLAN

Site Plan (Revised)

PROPOSED SIGN - NEW COUNCIL BRAND

SIGN DIMENSIONS

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

Informatives

1. 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.

2. **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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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.

3. Whilst every effort has been made to ensure advertising within this publication complies with all relevant legislation, Somerset Council cannot accept any liability for errors or omissions contained in any material provided by an advertiser. The Council does not accept any liability for any information or claims made by the advertisement or by the advertisers. Any inclusion of the Council's name on a publication should not be taken as an endorsement by the Council.

4. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.

