

Application Number	2021/2574/ADV
Case Officer	Charlotte Rogers
Site	B&Q Station Approach Frome Somerset BA11 1RE
Date Validated	23 November 2021
Applicant/ Organisation	Amis
Application Type	Application to Display Adverts
Proposal	Installation of 3no. illuminated, 4no. non-illuminated signs & door vinyls.
Division	Frome East Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Shane Collins Cllr Helen Kay

What three words: ///loops.beyond.beam

Referral to Planning Committee:

This application is referred to Planning Committee, following the outcome of the Chair and Vice Chair referral process. as the officer's recommendation of approval is contrary to the objections raised by the Town Council and ward members.

Description of Site, Proposal and Constraints:

The application relates to B&Q in Frome located on Station Approach. The application site falls within the defined development limits of Frome and is located in an area with various commercial and residential properties within the surrounding area. The site is located adjacent to the boundary of Frome Conservation Area.

This application seeks permission for the erection of 3no. illuminated signs, 4no. non-illuminated signs and vinyls of the doors to advertise B&Q.

Relevant History:

2021/1346/FUL – Change of Use from Building Merchants (Sui Generis) to Retail (Class E).
Approved 12.08.2021.

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

Ward Members:

Cllr. Kay: The orange illuminated signs are inappropriate in this location given this site abuts a conservation area and there are listed buildings opposite. Although the warehouses in the area already effect the setting of those listed buildings, to put bright orange illuminated signs facing them just adds insult to injury and is a step too far.

Cllr. Collins: I question the need for 3 x internally illuminated signs which it seems will be on 24 hours a day. B&Q signs are already a deep orange colour therefore visually intrusive but I fail to see the need to light them up, especially at night when B&Q is closed so they are not needed and in the day also not needed as it is daylight. It is also a needless use of electricity when we should be cutting down. If the signs were not illuminated I will withdraw my objection.

Town Council: Objection – The two illuminated signs, facing the properties on Portway and facing into Station Approach, will have a detrimental impact on the amenity of the area as they are too big. The Portway sign directly faces residential properties. The illumination should be conditioned so that the signs are not illuminated between the hours of 8.00pm – 8.00am.

Highways Development Officer: Standing Advice Applies

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

- Harm to the amenity of residential properties
- Concerns on harm to the character and appearance of the nearby Conservation Area
- Harm to the setting of nearby listed buildings
- Proposed development is out of scale and unsympathetic to the area
- Concerns with the illumination on the character of the area and the nearby residential properties
- If granted a condition restricting the hours of illumination to only during the shops opening hours should be applied
- Concerns with light pollution
- Highways safety concerns

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)
- Frome Neighbourhood Plan (December 2016)

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
- 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)

Assessment of relevant issues:

Advertisements:

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework (National Planning Policy Framework) make it clear that control of the display of advertisements shall be exercised only in the interests of 'local amenity' and 'public safety'.

Paragraph 141 of the NPPF states *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts”*.

This application seeks permission for the erection of advertisement signage in association with the B&Q retail shop that is currently operating on the site. Three signs are proposed to be internally illuminated and these are identified as sign numbers 1, 8 and 10 on the

'Sign Location Plan' and relevant elevation plans. All other signs are not proposed to have any illuminations.

Concerns have been raised with regard to the impact of the development on the amenity of neighbouring properties, particularly with relation to the light pollution and disruption caused by the illuminated signage. Sign 10 is situated facing towards the railway line and the nearest residential property is approximately 50m away. Sign 1 is located on the front elevation of the shop which is facing toward the other retail properties in the area. The final illuminated sign identified as number 8 is located on the northwest elevation of the building, facing onto the A362 (Wallbridge) where the nearest residential properties are approximately 27m away. It is not considered that the illumination of the advertisement signs will result in harm to the amenity of these nearby residential properties during the operational hours of the business. A condition is recommended to be attached to any permission restricting the hours of illumination to be in line with when the store is open to the public.

Although not located within the Conservation Area, it is recognised that the application site and the development are situated on the boundary of the Conservation Area and that there are Listed Buildings within the vicinity of the site. The proposed advertisements are viewed in conjunction with the previously approved retail use of the building. Furthermore, Station Approach reads as an area of industrial and commercial space and therefore the proposed signage does not look out of context within the surrounding area.

By reason of the design, scale, materials, colours, extent of illumination and number of total signs, the proposed advertisement displays would have an acceptable impact on the visual amenity of the locality.

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.

Impact on the Setting of Listed Buildings:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed

building, thereby resulting in no harm to the significance of the designated heritage asset. The proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Impact on Conservation Area

There is a duty placed on the Council 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. In this case it is considered that, no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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.

Recommendation

Approval

Conditions

1. Standard Advert Time Limit (Compliance)

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. **Plans List (Compliance)**

This decision relates to the following drawings:

External Signage 1 REV F

External Signage 2 REV F

External Signage 3 REV F

Internal Signage 4 REV F

Sign Location Plan 5 REV F

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.

e. 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.

4. **Advertisements - Illumination switch off (Compliance)**

The illuminated sign hereby approved shall be switched off and shall be non-illuminated when the store is closed to members of the public.

Reason: To protect the visual amenity of the area and the living conditions of nearby residents and in accordance with the requirements of 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 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 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. **Adhering to Conditions**

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. **Approval**

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.