

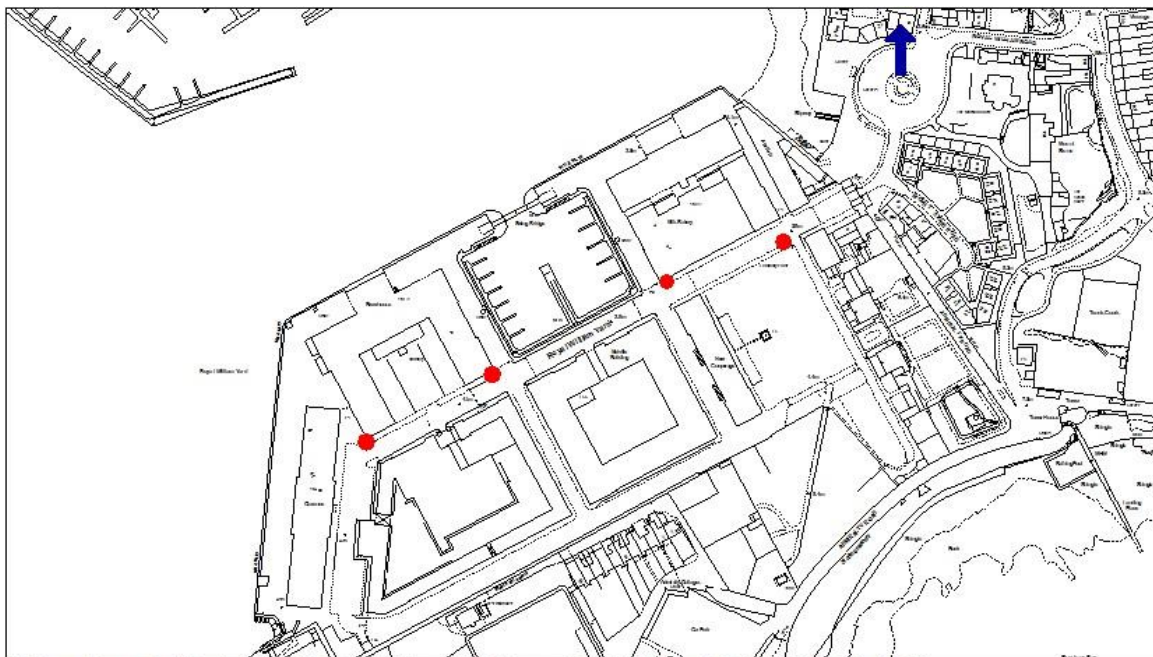
# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/02028/ADV	<b>Item</b>	02
<b>Date Valid</b>	04/11/2015	<b>Ward</b>	St Peter & The Waterfront

<b>Site Address</b>	ROYAL WILLIAM YARD PLYMOUTH		
<b>Proposal</b>	Retrospective application to relocate signage approved in application 11/00155/ADV		
<b>Applicant</b>	Urban Splash		
<b>Application Type</b>	Advertisement		
<b>Target Date</b>	<b>30/12/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 14 January 2016</b>
<b>Decision Category</b>	Assistant Director of Strategic Planning and Infrastructure Referral		
<b>Case Officer</b>	Aidan Murray		
<b>Recommendation</b>	Grant Conditionally		

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This application has been referred to Planning Committee by the Assistant Director of Strategic Planning and Infrastructure because there are public interest reasons for the matter to be determined by the committee.

### **1. Description of site**

The four public information points are situated along the main street running through the historically important Royal William Yard. The subject street runs from the main entrance gateway past the New Cooperage along to the Brewhouse.

### **2. Proposal description**

The four signs in question have recently been installed. This is therefore a retrospective application for advertisement consent.

### **3. Pre-application enquiry**

No formal pre-application advice was sought for the advertisements in their current locations. This application has come about as a result of an enforcement complaint received following the unauthorised commencement of works. During the enforcement process, advice was given to the applicants advising them to either comply with previously approved plans or to apply for advertisement consent.

Application 11/00155/ADV previously approved similar advertisements however in different locations. Pre-application advice was given prior to the submission of the 2011 application with discussions being held with Historic Environment Officers, Planning Officers and English Heritage (now known as Historic England). This application was not implemented.

### **4. Relevant planning history**

12/02298/ADV - 1x externally illuminated individual letter fascia sign, 1x non-illuminated projecting signs – Permitted

11/01684/ADV - Advertisement consent for temporary composite aluminium sales and marketing signage – Permitted

11/01683/ADV - Banner signs on 23 lamp posts adjacent to Clarence and Brewhouse buildings, and adjacent to yard dock basin – Permitted

11/01682/ADV - Advertisement consent for signage to commercial and retail entrance points (Signage type 1 Corten projecting blade and signage type 2 Corten individual letters with illuminations) – Permitted

11/00806/ADV - Non illuminated fascia 'text' sign (approved) and an internally illuminated 'menu' pillar signs – Refused

11/00155/ADV - Application for consent to display advertisement for four public information points – Permitted

### **5. Consultation responses**

Historic Environment – No Objections

Local Highway Authority – No Objections

Public Protection – No Comments

## 6. Representations

Two Letters of Representation have been received for this application from one local resident raising the following concerns:

- Highway Safety Concerns
- Impact on Listed Building
- Lack of Listed Building Consent

Officers have replied to the complainant clarifying the legal position regarding this last point which does not apply.

## 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

*Additionally, the following planning documents are also material considerations in the determination of the application:*

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

## **8. Analysis**

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 policies CS02, CS03 and CS34, and is considered to be compliant with National Planning Policy Framework guidance.
2. The key planning considerations in respect of this application include impact to visual amenity and public safety, mainly in terms of highway safety
3. Retrospective advertisement consent is sought for four public information points constructed of dark coloured steel with white text. The signs are internally illuminated. The signs stand at 3.2metres.
4. Similar signs have previously been approved under application number 11/00155/ADV. That consent was for similarly designed signage on the opposite side of the road.
5. Having visited the site both before and after the signs were erected it is the opinion of officers that the advertisements are visually appropriate in terms of their design, size and location and raise no concerns in respect of impact to visual amenity or public safety.

### *Impact on Historic Environment*

6. The installed signs do not require Listed Building Consent as they are not physically attached to any listed building. The footpath which the signage has been erected on is a modern addition and so does not require LBC.
7. Pre-application discussions were carried out with Historic Environment Officers, Planning Officers and Historic England during the 2011 application. According to the application, issues such as location, materials and height of the signs were considered and deemed acceptable with the application being granted approval. This current application presents similar design to that previously approved with the location being different in that 3 of the signs are positioned on the opposite site on the main road which runs through Royal William Yard.
8. It should also be noted that the signs have been designed in consultation with English Heritage, Urban Splash, Highway Authority as well as the Historic Environment Officers within Plymouth City Council, and are not deemed to be detrimental to the Historic Environment.

## *Highways Concerns and General Amenity*

9. The Highway Authority has raised no objections to the proposal. Officers have been advised by the applicant that the delivery bay locations by Mills Bakery and the Brewhouse are currently under review as part of a wider public realm project. It is felt that this will address related concerns raised in the representation.
10. Having visited the site at night when the signs are illuminated, Officers feel that brightness of the signage is too great and as such have informed the applicant that this would be required to be dimmed. A condition has therefore been added to ensure that the brightness of the signs are controlled. This is felt to protect the residential amenity given the location of these signs being location outside of residential flats.
11. Therefore the application is considered to comply with Policy CS02 (Design), CS03 (Historic Environment) CS34 (Planning Application Considerations) of the Core Strategy, as well as the guidance set out in the Development Guidelines SPD first review 2013.

### **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **10. Local Finance Considerations**

None

### **11. Planning Obligations**

None

### **12. Equalities and Diversities**

N/A

### **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically CS02, CS03 and CS34 of the Core Strategy and is recommended for approval.

### **14. Recommendation**

In respect of the application dated **04/11/2015** and the submitted drawings Proposed Signage Location Dwg No. GA-601 Rev PL3, Information Points Dwg No. GA-010 C2, Information Points Dwg No. GA-011 Rev C2, Info Points Totems Sheet 1- 3 Dwg No. 17593 Rev C, it is recommended to: **Grant Conditionally**

## 15. Conditions

### CONDITION: 5 YEAR CONSENT

(1) This consent shall enure for five years from the date of this notice.

### CONDITION: APPROVED PLANS

(2) The signs hereby permitted shall be displayed in accordance with the following approved plans: Proposed Signage Location Dwg No. GA-601 Rev PL3, Information Points Dwg No. GA-010 C2, Information Points Dwg No. GA-011 Rev C2, Info Points Totems Sheet 1- 3 Dwg No. 17593 Rev C

### Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 67 of the National Planning Policy Framework 2012.

### CONDITION: PERMISSION OF OWNER

(3) 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.

### CONDITION: TRANSPORT AND SURVEILLANCE

(4) No advertisement shall be sited or displayed so as to:

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

b: obscure, or hinder the ready interpretation of, any traffic sign, railway sign or aid to navigation by water or air; or

c: hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

### CONDITION: MAINTENANCE

(5) 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.

### CONDITION: REMOVAL

(6) 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.

### CONDITION: LIGHTING SCHEME

(7) A scheme for the control of the intensity of the illumination of the advertisement, to include a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly, shall be submitted to, and agreed in writing by the Local Planning Authority within one month of the date of this decision. The advertisements shall be displayed in accordance with the agreed scheme thereafter.

Reason: To protect residential amenity in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 67 of the National Planning Policy Framework 2012.

### **Informatives**

#### **INFORMATIVE: CONDITIONAL APPROVAL**

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

#### **INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

(2) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).