

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	29.10.14
Application Number	14/07334/ADV
Site Address	Waitrose Malmesbury Wiltshire SN16 9FS
Proposal	1no. Internally Illuminated Totem Sign
Applicant	Waitrose
Town/Parish Council	MALMESBURY
Division	MALMESBURY (Cllr Simon Killane)
Grid Ref	393536 186752
Type of application	Full Planning
Case Officer	Richard Sewell

Reason for the application being considered by Committee

The application is being presented to Committee at the request of Councillor Simon Killane to consider the impact on the visual amenity of the Conservation Area and highway safety.

1. Purpose of Report

To consider the impact on visual amenity and highway safety and to recommend that advertisement consent is GRANTED.

2. Report Summary

The main issues when considering this application are:

- Impact of advertisement of the visual amenity, character and appearance of the Conservation Area
- Location of proposed signage impacting on highway safety.

Malmesbury Town Council and St Paul's Without Residents Association object to the proposal.

3. Site Description

The proposal site is located at the south east corner of Malmesbury to the immediate north of the roundabout at the intersection of the A429, B4042 and High Street. The site is a significant distance away from the historic core of Malmesbury but is within the Conservation Area with the nearest designated heritage asset being the Silk Mills located approx 100m to the north. The proposed sign is situated at the south west corner of the

Waitrose site at the top of a newly landscaped verge where a sloped pedestrian walkway provides access to the car park from the High Street. The elevated position means the advertisement will be clearly visible when approaching the site from the south and east and also from the residential properties to the west of the proposal site. The sign will be bordered to the north, west and east by a sloped bank of mature trees. The nearest dwellings are located approx 60m to the west. The sign will be set back approx 20m from the main road in an area that is predominantly urbanised in appearance with a number of street lights, road signs and metal railings present.

4. Planning History

14/03235/ADV- 4 Internally Illuminated Signs, 16 Freestanding Panel Signs, 5 Wall Mounted Signs 15 Lamp Post Mounted Signs, 5 Post Mounted Signs And 16 Vinyls PERMITTED

5. The Proposal

The application proposes the erection of 1no. Internally illuminated totem measuring approx 4m high and 1m wide with a stainless steel base. The proposed sign will be green with Waitrose in white lettering.

6. Planning Policy

NPPF Section12: Conserving and Enhancing the Historic Environment

Emerging Wiltshire Core Strategy (Submission Draft As proposed to be Amended April 2014)

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Adopted North Wiltshire Local Plan 2011 policies:

C3 Development Control

HE1 Development in Conservation Area

BD9 Signs and Advertisements

Other documents taken into consideration as part of this assessment:

Town and Country Planning (Control of Advertisements) Regulations 2007

Institution of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN01:2011

7. Consultations

Malmesbury Town Council- OBJECTION. The proposed signage would be insensitive to the historic fabric of the town and Conservation Area, would be domineering and is contrary to the Town & Country Planning Act

St Paul's Without Residents Association- OBJECTION. The St Paul Malmesbury Without Parish Council wish to object to this application. Whilst we recognise the company's desire to promote their new store, this has to be balanced against the impact a sign of this height and mass will have on the visual setting of the town from both the town centre and its southerly approach. Further we understand that illuminated signs are not allowed in a conservation area (T&C Control of Advertisements Regs 2007). For these reasons we request that you refuse the application.

Highways- NO OBJECTION. Whilst the sign will be prominent from the Priory Roundabout

I do not consider that will cause a distraction to motorists. There is no highway objection to this proposal.

Conservation- OBJECTION. Impact upon the Malmesbury Conservation Area and the setting of the historic town. Malmesbury is a unique historic town, the oldest Borough in England, created by charter c. 880AD. It is set in a dramatic location on a ridge between two branches of the Avon. Large areas of the mediaeval and earlier fortifications are still clearly visible and the topography has ensured the retention, around the historic core, of a compact urban form, ringed by the rivers and the open, green land immediately beyond. The supermarket has been constructed on a large tranche of the open green land, within the conservation area, immediately to the south-east of the town. It is positioned at a key entry point to the historic town from the south and east, a highly prominent location, which clearly has a significant impact upon the character and appearance of the conservation area. Considerable trouble was taken in the development of the scheme to minimise the impact on the conservation area and adjacent listed buildings, of both the building and its parking and service areas. This may clearly be seen from features such as the low profile of the building and the bunds to the north. The supermarket is already well signed and is clearly visible from the roundabout and the approaches to the south. It is considered that a tall, illuminated sign such as that proposed would be unduly intrusive and dominant in this sensitive location, and which would cause harm to the character and appearance of the conservation area (ie. the significance of the designated heritage asset).

Where such harm is caused the NPPF requires that this be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there are no public benefits to the proposal; a very viable use of the site has already been achieved, arguably at some detriment to the conservation area already. There is no justification therefore for the harm which would be caused by this proposal, which would be contrary to paragraphs 17(x), 67, 131, 132, 134, 137 of the NPPF. I strongly recommend refusal.

Landscape- NO OBJECTION. A landscape objection to the principle of development of a new supermarket on this Greenfield site within the Malmesbury Conservation Area was submitted as part of the original permission. However following the LPA's decision to grant planning consent for this supermarket, I do not raise any landscape observations or comments in relation to this application for a single illuminated 'Waitrose' totem sign.

Environmental Health – NO OBJECTION. The light from the totem is likely to be a nuisance to neighbouring properties. However it is recommended that a condition is placed upon the permission that restricts the times the lights can be used and that they are switched off when the other totems and car park lights are switched off.

8. Publicity

23 letters of Objection received. Issues raised include:

- Additional signage not required to promote the existence of the food store.
- The location of the proposed signage is detrimental to the appearance of this part of the Conservation Area
- The proposed totem sign will detract from the visual quality of the entrance route into the historic town centre
- The elevated position of the signage will increase the visual appearance and prominence of the sign

- The application form is misleading as it states in Section 11 that the sign will not be illuminated.
- A tall, illuminated sign is not in keeping with the character of the surrounding area
- The previous full planting of the bank where the sign is located should be restored
- Pedestrian safety could be affected as the sign reduces visibility from the pedestrian crossing and nearby junction.
- Questions as to why the sign was not included in the previous application for advertisement consent 14/03235/ADV.

All of the above issues have been taken into consideration as part of this assessment

9. Planning Considerations

The proposed internally illuminated totem sign will be coloured green with white lettering measuring 4m high and 1m wide with a stainless steel base. Fundamental to the determination of applications for advertisement consent, is that they may only be controlled with regard to two material considerations, namely “amenity” and “public safety” (sec. 220 of the 1990 Act). There is no lawful category of “other material considerations” in addition to the interests of amenity and public safety that can be taken into consideration when determining applications for advertisement consent under the regulations.

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and, in England since the 2007 Regulations came into force, include rural amenity, so that noise generated by an advert can be taken into account. In this instance the proposal site is located within the Malmesbury Conservation Area and so special consideration must be made to any impact on the visual amenity, character and appearance of the nearby Listed Building and also the amenity of nearby residents.

Factors relevant to public safety are stated to include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign or whether the display of the advertisement in question is likely to hinder the operation of any device, such as a camera, used for the purpose of security, surveillance or for measuring the speed of vehicles.

Impact of advertisement on the visual amenity, character and appearance of the Conservation Area

The adjacent highway, roundabout, road signs and street lights result in this location of the Conservation Area having a significantly urbanised character and appearance. Despite being located in a prominent position clearly visible from the immediate surrounding area, the proposed totem will not be visible from the historic town centre or any nearby Listed Building. It is acknowledged that the permitted supermarket scheme has had some impact on the visual appearance of the locality and approach into the historic town centre, but the proposed sign is not considered to result in any further significant harm. The illuminated totem will not exceed 18-22 Lumens and will be subject to a condition controlling the hours of use so it is not considered to result in any additional light pollution to that of the nearby street lights or adjacent supermarket site. The proposal is also not considered to result in any harm to the amenity of the nearby residents as the low level lighting will not be intrusive to the dwellings to the west. Again this will be subject to hours of operation controls in accordance with the advice of the Council’s Public Protection team. Whilst the comments of the Conservation Officer relating to the impact on the historic setting are

recognised, the urbanised appearance of the immediate vicinity mean that the totem sign will not be out of character with its surroundings, nor is it considered to result in any additional detrimental impact to the character and appearance of this part of the Conservation Area. Critically, it is not agreed that the sign in the proposed location will have a significant impact on the entry point of the historic town or the inter relationship with the historic core of the settlement and wider Conservation Area. The sloped bank and existing trees to the west and north of the site will restrict views of the 4m high sign from both the nearby Listed Building and historic core of the settlement. The landscaped verge directly in front of the sign will mature over time further limiting the impact on the Conservation Area. This location is considered to benefit the public as it demonstrates the location of the store to passing motorists and also clearly indicates the secondary entrance to the site which is the main access point for pedestrians and cyclists. It is not considered that the sign could be located in an alternate position adjacent the store and the adjoining road network that would be less related to the Conservation Area, all locations adjacent the road network and the store will have a similar relationship. It is not considered that there is a direct inter-relationship between the signage proposed and the historic core of the town and Conservation Area such that significant harm to the character and appearance of the Conservation Area is caused. It is noted that the Superstore is designed and laid out to minimise its visual impact, once the adjoining landscaping matures the superstore will not be visually prominent. Similarly the design and layout minimises the extent of signage again aimed at reducing the visual impact of the development. The sign will provide a public benefit in confirming the location of the store for members of the public seeking to access the site. On balance it is considered that the harm caused to the heritage asset of the Conservation Area will not be significant and is minimised by maturing landscaping, positioning, limited scale and controls over the hours of illumination. It is considered that there is a need for and therefore benefit of permitting the development and therefore the proposal is in accord with the NPPF and adopted and emerging plan policies.

Location of proposed signage impacting on highway safety.

The proposed advertisement is located in an elevated position approx 10m away from nearest highway boundary and does not obscure or hinder any road signs or cameras. The Highways Officer is satisfied that there will be no detrimental impact on highway or pedestrian safety.

10. Conclusion

It is recognised that the permitted supermarket and existing signage has had an impact on the visual amenity of this part of the Conservation Area and has received a significant amount of local objection. However, it is the Officer's opinion that the proposed illuminated totem will not result in any significant additional harm to the character and appearance of this part of the Conservation Area as the proposal site is in an urbanised setting outside of the historic core of the town centre. It is also considered that the proposal will not impact on highway and pedestrian safety or the residential amenity of nearby residents. As such the proposed signage is considered to be acceptable.

RECOMMENDATION

To GRANT advertisement consent subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Demise Plan received on 29.07.14 and Signage Overview and Totem Details both received on 26.08.14

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The advertisement(s) hereby permitted shall not be illuminated before 07:00 or after 23:00 on any day.

REASON: In the interests of amenity.

- 4 The illumination of the sign(s) hereby permitted shall be static and shall not be of a flashing type.

REASON: In the interests of amenity and/or public safety.

- 5 The intensity of the illumination of the advertisements(s) hereby approved shall be no greater than 22 Lumens

REASON: In the interests of amenity and/or public safety.

- 6 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.

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 signal 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.

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.

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.

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: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

8 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

