



# Planning Committee

Report of Head of Planning and Building Control on 09 February 2023

Plans List Item Number: 2

### Reason for bringing to committee

Significant Community Interest

### Application Details

**Location:** 9-11, PARK STREET, WALSALL, WS1 1LY

**Proposal:** ADVERTISEMENT CONSENT FOR A NEW SHOPFRONT WITH TWO EXTERNALLY ILLUMINATED FASCIA SIGNS AND ONE EXTERNALLY ILLUMINATED PROJECTING SIGN.

**Application Number:** 22/0588

**Case Officer:** Martin Dale

**Applicant:** Luxury Leisure Ltd

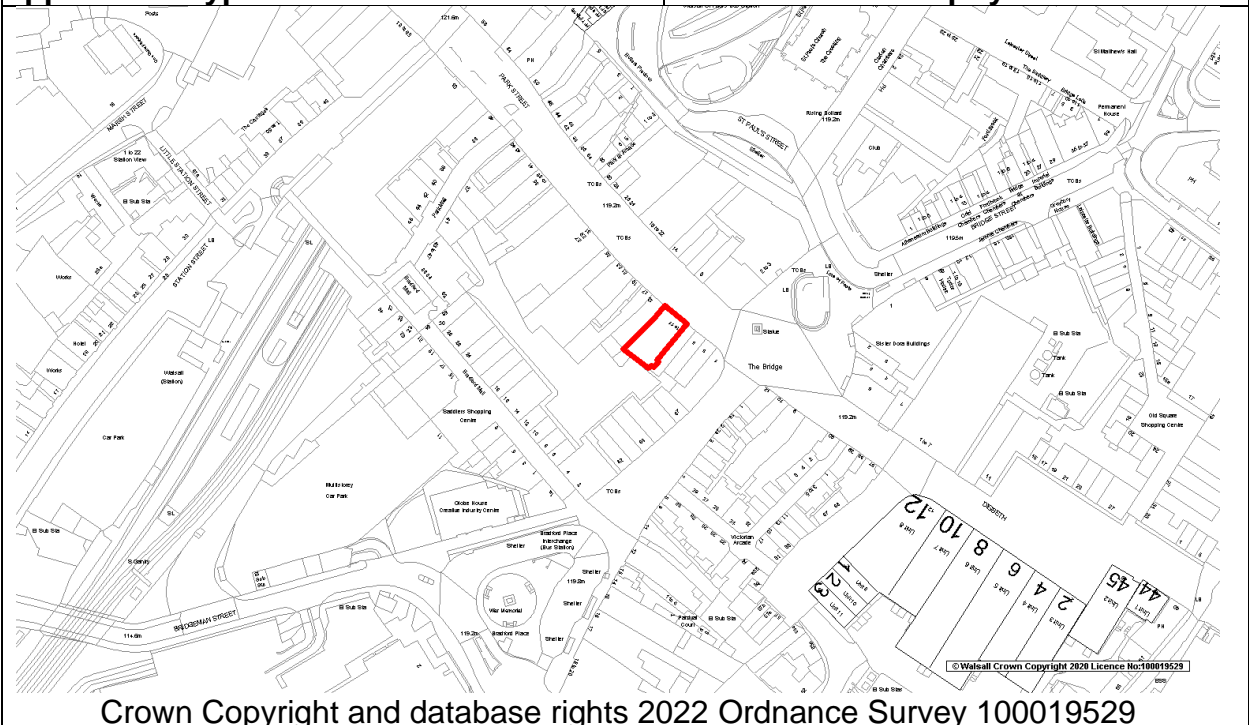
**Ward:** St Matthews

**Agent:**

**Expired Date:** 24-Jun-2022

**Application Type:** Advertisement Consent

**Time Extension Expiry:**



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## **Recommendation:**

Grant Advertisement Consent Subject to Conditions

## **Proposal**

Seeking to replace the existing the timber fascia and the externally illuminated signage with two externally illuminated fascia signs and one externally illuminated projecting sign fixed on a bracket.

The timber fascia signs will be a height of 0.75m with a width 5.5m, and 0.75m high by 4.8m in width.

Both fascia signs have a height to base of 2.75m from ground level.

The projecting sign will have a width of 0.48m, a height of 0.6m and the height to base will be 2.75m.

## **Site and Surroundings**

The site is within Bridge Street Conservation Area and lies within the designated town centre for Walsall.

Park Street is a commercial street pedestrianised street with a range of uses including 3 banks, Specsavers, mobile phone shops, WH Smith, Card Factory, Subway and McDonald's.

There is wide range of illuminated and non-illuminated fascia and projecting signage with a range of materials and colours.

## **Relevant Planning History**

17/0662- Projecting and fascia signage and vinyl's to shopfront. Approved  
10/07/2017

16/1145 - Change of uses to electronic bingo centre with ancillary food and drink operations alterations to entrance doors and erection of air compressor units Granted on Appeal 14/02/2017

13/0191/FL-New Shop Front. Approved 08/04/2013

07/0632/FL/W9- Installation of new shop front including roller shutter. Approved  
26/06/2007

07/631/AD/W9- Display of 2 internally illuminated fascia signs and 1 internally illuminate projecting sign. Refused 12/06/2007

02/2362/AD/W4 - Display of fascia and projecting sign. Approved

BC54974P- Installation of 1 box fascia sign and 1 projecting sign illuminated. Approved 02/12/1999

BC54976P/C - Installation of new shopfront. Approved 02/12/1999

## **Relevant Policies**

### **Part 3 (Express Consent) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).**

#### **Applications for express consent**

9.— (1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

(a) include the particulars specified in the form; and

(b) send with the application (whether electronically or otherwise) a plan which—

(i) is drawn to an identified scale,

(ii) shows the direction of North,

(iii) identifies the location of the site by reference to at least two named roads, and

(iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, maybe made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

(a) to the use by the authority of electronic communication for the purposes of his application;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the authority for that purpose, or

(ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

### **Power to deal with applications**

**14.—** (1) Where an application for express consent is made to the local planning authority, the authority may—

(a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

(b) refuse consent; or

(c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

(a) for the display of a particular advertisement or advertisements with or without illumination;

(b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or

(c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions

(a) regulating the display of advertisements to which the consent relates;

(b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;

(c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

(a) such period as the local planning authority may specify in granting the consent; or

(b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

(a) the date of the commencement of the display; and

(b) a specified date not later than 6 months after the date on which the consent is granted.

## **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

## **National Planning Policy Guidance**

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

## **Reducing Inequalities**

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Black Country Core Strategy**

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Saved Unitary Development Plan**

- GP2: Environmental Protection
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings

### **Supplementary Planning Document**

## Designing Walsall

- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm

## Shop Front

- Policy SF6: Advertisements
- Policy SF7: Illumination

## Other Relevant Policy

### The institution of Lighting Engineers, Technical Report Number 5: *Brightness of Illuminated Advertisements.*

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)
- E4 – High district brightness areas (eg town/city centres with high levels of night-time activity)

### Recommendations for Maximum Luminance (cd/m<sup>2</sup>)

Illuminated Area (m <sup>2</sup> )	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

## Consultation Replies

### Street Lighting Engineer

The method of lighting (downlight) and the luminous intensity would appear to be acceptable.

### Highway Authority

No concerns.



## **Public protection**

No objection.

## **Conservation**

Application is lacking a heritage assessment but otherwise has no objection to the signage.

## **Representations**

Five letters of objection but these all relate to the associated separate planning application for the proposed change of use.

## **Determining Issues**

- Visual Appearance
- Highways and Public Safety
- Heritage Impact

## **Assessment of the Proposal**

### Visual Appearance

The proposal is replacing similar signage.

The street scene has a wide range of illuminated and non-illuminated signage with similar projecting signs. This proposal will not detract from this scene.

The institution of Lighting Engineers, Technical Report for illumination within an E4 zone (urban locations), i.e., below 1000cd/m<sup>2</sup>.

The proposal states illumination will be 299 Cd/m<sup>2</sup>. This can be re-affirmed by a planning condition, which can additionally require day-time illuminance levels to not exceed this level.

### Highways and Public Safety

The signage is located on a pedestrianised street meaning no adverse impact on highway safety.

The Highways Authority have not objected to the proposal.

### Heritage Impact

The design of the advertisements and form of illumination are considered compliant with the Shopfront SPD and will preserve and enhance the character and appearance of the Bridge Street Conservation Area.

## Conclusions and Reasons for Decision

Taking into account the wide range of signage in the street scene the proposal does not present an adverse effect to the visual amenities of the area, or the character of the conservation area.

The specified illuminance levels would be acceptable within zone E4 Town Centre, in accordance with: 'The institution of Lighting Engineers, Technical Report Number 5' document, which can be conditioned.

The location and orientation of the proposed advertisement means that the signage is unlikely to result in an adverse impact to public and highway safety.

Therefore, the proposal is in accordance with Saved UDP policies ENV29, ENV32 and ENV36 and Policy ENV2 of the Black Country Core Strategy.

On balance, taking into account the above factors it is considered that the application should be recommended for approval.

## Positive and Proactive Working with the Applicant

### Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable, and no further changes have been requested.

## Recommendation

Grant advertisement consent subject to conditions

## Conditions and Reasons

1. The adverts are hereby approved for 5 years during the period of 21/04/2022 – 21/04/2027.

*Reason:* Pursuant to the requirements of Part 3 Section 14(7)(8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Elevation as Existing and Proposed Sheet Number 3439(B)02 RevisionC

*Reason:* To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

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.

*Reason:* It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

*Reason:* In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

*Reason:* To ensure the satisfactory appearance of the development

6. 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.

*Reason:* In the interest of public safety and amenity

7. 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 on visual amenity.

*Reason:* In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed luminance levels of 300 Cd/m<sup>2</sup> at any time.

*Reason:* To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

### **Notes for Applicant**

None

**END OF OFFICERS REPORT**