

## **Development Control Committee 1 November 2023**

### **Planning Application DC/23/1101/ADV – The Cooperative, Hepworth Road, Stanton**

<b>Date registered:</b>	11 August 2023	<b>Expiry date:</b>	6 October 2023 EOT 3 November 2023
<b>Case officer:</b>	Amey Yuill	<b>Recommendation:</b>	Split decision
<b>Parish:</b>	Stanton	<b>Ward:</b>	Stanton
<b>Proposal:</b>	Application for advertisement consent - a. one internally illuminated fascia sign b. two non-illuminated window graphics 3. one non-illuminated customer board d. one internally illuminated totem		
<b>Site:</b>	The Cooperative, Hepworth Road, Stanton		
<b>Applicant:</b>	Miss Sophie Mead		

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

**Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

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## **Background:**

**This application is presented to Development Control Committee following consideration at the Delegation Panel on 10 October 2023. It was presented to the Delegation Panel due to a call in from the Ward Member.**

**A site visit is scheduled to be held on Monday 30 October 2023.**

## **Proposal:**

1. The proposal seeks advertisement consent for one internally illuminated fascia sign, one internally illuminated totem, two non-illuminated window graphics and one non-illuminated customer board.
2. The internally illuminated fascia sign measures 1.25 metres in height, 2.995 metres in width and 0.6 metres in depth. The sign is positioned on the front elevation of the shop, sitting above the front entrance doors and is 3.171 metres from the ground level. The sign is internally illuminated, with a luminance of 436 cd/m<sup>2</sup>.
3. The internally illuminated totem sign located to the front of the site, at the car park entrance, measures 3.7 metres in height (4 metres including the ground poles), 1 metre in width and 0.2 metres in depth. The sign is internally illuminated, with a luminance of 436 cd/m<sup>2</sup>.
4. The two non-illuminated window graphics are affixed to the front elevation windows of the shop, with the first spanning over three windows, measuring 2.3 metres in height and 4.455 metres in width overall (1.485 metres per window). The other window graphic measures 2.3 metres in height and 0.91 metres in width.
5. The customer board, affixed to the front elevation of the shop to the right of the main entrance doors, is 1.1 metres in height, 1.49 metres in width and is 1.16 metres from floor level.
6. It should be noted that the signage is in situ. Therefore, the consent now being sought is retrospective.

## **Application supporting material:**

7. In support of this advertisement consent application, the following has been provided:
  - Application Form
  - Location Plan
  - Proposed Elevation
  - Advert Plan – Customer Board
  - Advert Plan – Totem
  - Advert Plan – Window Graphic
  - Advert Plan – Window Graphic
  - Advert Plan – Fascia
  - Advert Pack

## Site details:

8. The application site is located off Hepworth Road, to the north, within the settlement boundary of Stanton.
9. The site comprises a newly opened, single storey Co-Operative food store which is set back from the highway. Parking is located to the front of the shop.
10. The site directly borders the Stanton Conservation Area, however, is not within it and there are no listed buildings on the site. However, Foundry House, adjacent to the frontage of the site, and within the Conservation Area, is Grade II listed.

## Planning history:

11.

Reference	Proposal	Status	Received date	Decision date
DC/19/1714/FUL	Planning Application - (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)	Application Granted	21 August 2019	6 February 2020
DC/20/1118/VAR	Planning Application - Variation of Conditions 2, 8, 13, 17, 18 and 19 of DC/19/1714/FUL to enable changes to the approved layout and delivery times for (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)	Application Granted	8 July 2020	13 October 2020

## Consultations:

12. **Suffolk County Council Highway Authority** – No objections raised to the proposal, subject to a condition restricting the luminance levels to under 600 cd/m<sup>2</sup>.

## Representations:

13. **Stanton Parish Council** – Stated they object to this application due to concerns from residents who face the site that the signs 'light up' their

bedrooms at night. Mitigation would be to ensure that the signs are on a timer and are only lit up when the store is open (i.e., 7am - 10pm).

14. **Ward Member** – No comments received.

15. **Neighbour Representation** – One neighbour representation was received from 1 Horseshoe Rise asking for confirmation that the illumination of the signs will be switched off when the shop is not open.

**Policy:**

16. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

17. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 have been taken into account in the consideration of this application:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM38 Shop Fronts and Advertisements
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design Quality and Local Distinctiveness
- West Suffolk Shop Front and Advertisement Design Guide (2015)

**Other planning policy:**

18. National Planning Policy Framework (NPPF)

19. The NPPF was revised in September 2023 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have

been assessed in detail and are considered sufficiently aligned with the provision of the 2023 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

20. The issues to be considered in the determination of the full planning application are:

- Principle of Development
- Design and Impact on Heritage Assets
- Amenity, Public Safety and Highway Impacts

**Principle of Development**

21. The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

22. Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that in determining applications for advertisement consent, Local Planning Authorities may only consider amenity and public safety, the provisions of the development plan and any other relevant factors. Other relevant factors in this case include the effect upon designated heritage assets.

23. Policy CS2 of the St Edmundsbury Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment, and policy DM1 of the Joint Development Management Policies Documents states that when considering development proposals, the Local Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

24. The application being considered is seeking consent for signage in relation to a new Co-Operative shop in the village of Stanton, which is, in principle, acceptable, subject to other material considerations which are discussed below.

**Design and Impact on Heritage Assets**

25. Policy DM38 states that proposals for advertisements must preserve or enhance the character and appearance of the building or location of which it forms a part, and the street scene in which the proposal is located and must not adversely affect amenity and/or public safety. In addition, policy DM2 seeks to ensure advertisements are not unduly large or visually jarring and it also requires that such proposals do not undermine prevailing or existing amenity.

26. Policy DM2 also states proposals for all development should recognise and address the key features, characteristics, landscape/townscape character,

local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale density and massing of the locality.

27. Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Furthermore, proposals will be expected to address, as appropriate, the following components:
  - detailed heritage and conservation design appraisals and information;
  - consideration of protection of the landscape and historic views;
  - an understanding of the local context and an indication of how the proposal will enhance the area and improve community safety;
  - protection of the natural and historic environment
28. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
29. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
30. Policy DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.
31. Paragraph 136 of the NPPF explains that the quality and character of places can suffer when advertisements are poorly sited and designed.
32. The application site is immediately adjacent to the Stanton Conservation Area, with views of the application site being achieved from the Conservation Area and Hepworth Road, as well as views from the site being predominantly of the Conservation Area. Therefore, policy DM17 is also relevant, and states that proposals for development within, adjacent to or visible from a Conservation Area should:
  - a. preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area;
  - b. be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting;
  - c. retain important natural features such as open spaces, plot divisions, boundary treatments, and trees and hedges, which contribute to the special character of the area;
  - d. retain important traditional features that contribute to the area's character such as original doors, windows, shop fronts and flint or clunch walls;

- e. include fenestration which respects its setting;
- f. use materials and building techniques which complement or harmonise with the character of the area; and
- g. demonstrate a clear understanding of the significance of the Conservation Area and/or its setting, alongside an assessment of the potential impact of the proposal on that significance. The proposal should demonstrate how the key characteristics of the character area have been addressed.

33. Policy DM17 goes on to state that new shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.
34. Policy DM2 supports policy DM17 by stating that proposals for all development (including changes of use, shopfronts, and the display of advertisements) should, as appropriate, preserve or enhance the setting of, or views into and out of, a Conservation Area.
35. In terms of illumination of shopfronts and signage, paragraph 8.11 and 8.12 of West Suffolk's Shopfront and Advertisement Guidance states that street lighting and lighting from window displays can effectively provide a visually interesting nighttime environment and is therefore often preferable to illuminating signage. If acceptable in policy terms illumination of the fascia needs to be given careful thought and be sensitively incorporated into the shopfront composition. Where external lighting is proposed and appropriate, it should be subdued, discreet and sympathetic to the building and the surroundings. Full internal illuminations of fascia boxes and hanging signs will not be supported as this is almost always visually dominant.
36. The two internally illuminated signs (one fascia on the shopfront and one totem close to the highway and entrance of the site) are not considered to comply with policy DM17, DM2, DM38 and CS3, by reason of their internal illumination, which is directly contrary to policy DM17, as well as West Suffolk's Shopfront and Advertisement Guidance. Even in scenarios where illumination is considered justified on the basis that a premises will rely on trading principally after dark, DM17 does not in any circumstance permit internal illumination in, close to, or visible from, a Conservation Area.
37. Officers have contacted the agent for the application to advise of the policy requirements and have recommended that the illumination is removed from the totem sign entirely, due to its position on the boundary with the Conservation Area, and that the illumination for the fascia sign is altered to be external halo illumination. A low level of external illumination for this sign could be acceptable due to it being set back from the road, and on the basis that the store opening hours (until 10pm) will typically take it into the hours of darkness all year round. Whilst it could not necessarily be argued that the premises will rely principally on trading after dark (the opening hours are 7am – 10pm, so the majority of the store's trading

hours will be during hours of daylight) the internally illuminated fascia sign is more discretely sited with reference to the Conservation Area, and so some degree of appropriate external illumination could be tolerated here. Regardless, and in any event, this request to the applicant to amend the proposal has been declined, with the retention of the internal illumination for both the totem and fascia signs.

38. The internal illumination, in particular the totem sign, which is located on the edge of the Conservation Area due to its siting at the front entrance of the car park, but also in relation to the fascia sign, which is brightly lit, is considered to neither preserve nor enhance the adjacent Conservation Area, which the signage is readily visible from, contrary to policy DM17 and DM2. The totem signs will also be readily visible in views into the Conservation Area from the car park, again proving harmful. There will as a result be a material adverse impact upon the character and appearance of the Conservation Area. Furthermore, with the site being well lit by other forms of existing illumination (i.e., streetlights, the flashing pelican crossing, car park lighting and lights on and around the shop itself), there is no justification as to why the internal illumination of the signage is required to support the trading of the business, again, resulting in a clear conflict with policy DM17.
39. The site was formerly in retail use as a country store (Tripp Batt). However, that use has ceased, and the building has since been demolished, and the signage in relation to this application is now considered on its own merits.
40. In terms of the two non-illuminated window graphic signs and the customer board to the front of the building, these are deemed to be acceptable in terms of their design, scale, and siting.
41. Regarding the proposed signage and site being located within the setting of a Grade II Listed Building, Foundry House, which is adjacent to the site, consideration has been given as to whether the proposal will impact the setting of the listed building, as required by policy DM15. No objections have been raised by the Conservation Officer in terms of the proposal's impact upon the listed building, therefore, the proposals are considered acceptable in this regard.

### **Amenity, Public Safety and Highway Impacts**

42. In assessing the impact of an advertisement on amenity and public safety, the Local Planning Authority is expected to have regard to the effect upon the safe use and operation of any form of traffic or transport on land including the safety of pedestrians.
43. It is considered that the proposed advertising signage will not result in an adverse impact upon public, pedestrian or highway safety and that its display would be consistent with guidance in respect of advertisements.
44. Comments were received from Stanton Parish Council raising concerns regarding potential for disruption because of the illumination of the signs and asked for the illumination to be restricted to the store opening times. This concern was corroborated by a neighbour representation from No.1 Horseshoe Rise, which is adjacent to the site, requesting confirmation that



the illumination of the signs would be switched off when the shop is not open.

45. Officers consider it reasonable to control the hours that the signage is illuminated, if consent were to be granted, in order to reduce impact upon residential amenity as there are residential properties within close proximity of the signage. This would be controlled through the use of a condition and would otherwise render the impacts satisfactory.

46. No objections were raised by Suffolk County Council as Local Highway Authority, subject to a condition requiring a maximum luminance from the internally illuminated signs of 600 candela/m<sup>2</sup>. This condition would be considered reasonable and necessary if consent were otherwise to be granted, to ensure the impact of the signage on the locality's amenity is minimised and to limit any distraction to road users.

47. It is therefore considered that the proposed advertising signage would not result in an adverse impact upon public or highway safety, nor upon the residential amenities of any nearby dwellings, and that its display would be consistent with guidance in respect of advertisements.

### **Conclusion:**

48. In conclusion, the two non-illuminated window graphic signs and the customer board to the front of the building, are acceptable in terms of their design, scale, and siting, as well as their impact upon the Conservation Area and setting of the nearby Grade II Listed Building.

49. However, whilst it is acknowledged that there are some economic benefits associated with the internally illuminated fascia sign and internally illuminated totem sign for the Co-Operative store and its provisions, alongside the lack of objection from the Highway Authority, officers do not consider the internally illuminated nature of the advertisements to be acceptable when considered in relation to the adjoining Conservation Area and the requirements of policy DM17, which prohibits the use of internal illumination in locations such as this.

50. It is considered that the advertisement consent application partially fails to comply with the relevant policies of the development plan, as well as paragraph 136 of the NPPF in terms of the two internally illuminated signs, therefore, officers recommend a split decision for the advertisement consent application.

### **Recommendation:**

51. It is recommended that advertisement consent be **GRANTED** subject to a Split Decision with consent only granted for the two non-illuminated window graphics and one non-illuminated customer board, subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
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Application Form*	11 August 2023
Location Plan*	11 August 2023
Proposed Elevation*	11 August 2023
Advert Plan – Customer Board	11 August 2023
Advert Plan – Window Graphic	11 August 2023
Advert Plan – Window Graphic	11 August 2023

\*Excluding details relating to the fascia and totem signs

Reason: To define the scope and extent of this permission.

52. And, in relation to the internally illuminated fascia sign and the internally illuminated totem sign, advertisement consent be **REFUSED** for the following reason:

1. Policy DM17 applies in relation to all proposals within, adjacent to or visible from a Conservation Area, and states that new shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.

The proposed fascia sign and totem sign are both internally illuminated. The internal illumination is considered to neither preserve nor enhance the character of the adjacent Conservation Area, from which the store and its signage is readily visible from. Furthermore, with the site being well lit by other forms of illumination which already exist there is no justification provided as to why the internal illumination of the signage is required to support the trading of the business, resulting in a clear conflict with policy DM17.

The proposed internally illuminated fascia and totem signs are therefore deemed to conflict with policy DM17 of the Joint Development Management Policies Document 2015, as well as to paragraph 136 of the NPPF, to a level which warrants the refusal of the advertisement consent for these signs.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1101/ADV](https://www.dorsetcouncil.gov.uk/DC/23/1101/ADV)