

Item No. 5.3

Planning and EP Committee 23 July 2019

Application Ref: 19/00833/ADV

Proposal: Proposed 2 no. internally illuminated letter signs

Site: 62 Cromwell Road, Millfield, Peterborough, PE1 2EG
Applicant: Mr M Abouomar

Agent: Mr Iqbal

Referred by: Head of Development and Construction
Reason: Application site within the ownership of an elected Member

Site visit: 03.07.2019

Case officer: Mr Jack Gandy
Telephone No. 01733 452595
E-Mail: jack.gandy@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

1 **Description of the site and surroundings and Summary of the proposal**

Site and Surroundings

The application site is a building of mixed use located within the Russell Street Local Centre, comprising a restaurant at ground floor with law chambers at first floor. The site is located in a prominent position, at intersection between Russell Street and Cromwell Road.

The surrounding area comprises a mixture of retail and residential uses, typical of the locality's Local Centres. Furthermore, the defined City Centre boundary abuts the site to the south.

A number of shopfront changes have been undertaken following the grant of planning permission reference 16/00439/FUL. It is noted that whilst this permission has been implemented, the development on-site has not accorded with the approved plans and a number of other unauthorised works have taken place including:

- Altered window and door arrangements to the front and side elevations;
- Application of black tiles to the front and side elevations;
- Installation of external security shutters to all ground floor windows and doors;
- Creation of a raised decking area within the forecourt along Cromwell Road; and
- Erection of railings around the forecourt area to Cromwell Road.

Planning applications are anticipated to regularise these unauthorised works however it should be noted that these have no bearing upon the determination of the current application.

Proposal

Advertisement consent is sought for two internally illuminated advertisements as follows:

- 1no. advertisement to the eastern Cromwell Road elevation which would measure 3.75 metres in width, 0.5 metres in length and would be installed at 2.7 metres from ground level; and
- 1no. advertisement to the southern Russell Street elevation which would measure 2 metres in width, 0.2 metres in length and would be installed at 2.9 metres above ground level.

Both proposed advertisements would comprise individually internally illuminated letters, and each would be illuminated to 300 CD/m. No flashing/intermittent illumination is proposed.

It should be noted that 3no. advertisements have recently been erected on the site (only one of which does not require consent) however these are not subject to the current application and are to be removed. The application originally sought advertisement consent for a further vertical letter sign to the southern elevation however at the request of Officers, this has been removed from the proposal.

Furthermore, a canopy and external seating area are also proposed and are being considered under an application reference 19/00830/FUL which will be determined alongside this current advertisement consent application.

2 Planning History

Reference	Proposal	Decision	Date
19/00830/FUL	Proposed external canopy and external wall lighting	Pending	
16/00439/FUL	Increased height of eaves to single storey rear element and replacement with flat roof, partially remove frontage to south elevation of rear element, installation of new shop fronts to south and east elevations and creation of enclosed bin store to the rear	Permitted	29/07/2016
11/00875/FUL	Change of use of first floor flat to professional services office (Retrospective)	Permitted	08/09/2011
07/01098/FUL	First floor rear extension to existing residential accommodation	Refused	25/09/2007
P0886/85/R	Single storey extension	Permitted	12/12/1985

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (February 2019)

Paragraph 132 - Adverts

The quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built

and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. The plan has now been examined by the Inspector and found sound, subject to certain modifications. Subject to final approval by the Council's Cabinet in June 2019, it is anticipated that the Plan will be formally adopted on 24 July 2019. On this basis, the Plan can be afforded considerable weight at this time.

LP13 - Transport

b) The Transport Implications of Development - Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP18 - Shop Frontages, Security Shutters and Canopies

LP18 a) Shop Frontages (including signage)- Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

4 Consultations/Representations

PCC Peterborough Highways Services (03.06.19)

Objection - Only one sign should be installed on the southern elevation. There should not be two signs given that there is a need to reduce driver distraction at this busy junction. The sign on the front of the building, whilst large, would be acceptable to the Local Highway Authority as it is not likely to distract along the side of the road.

Local Residents/Interested Parties

Initial consultations: 11
Total number of responses: 0
Total number of objections: 0
Total number in support: 0

No public / neighbour representations have been received from local residents.

5 Assessment of the planning issues

The main considerations are:

- The fall-back position
- Visual appearance
- Highway safety

a) The fall-back position

The two signs proposed are considered to fall within the provisions of 'deemed consent' by virtue of Class 4B of the Town and Country (Control of Advertisements) (England) Regulations 2007 (as

amended). Therefore, an application for advertisement consent is not required for the signs proposed. Notwithstanding this, the Applicant has requested that these signs be determined under this current application and the Local Planning Authority therefore has a duty to determine the application before it. It should be noted on this basis however, that the provisions of the Advertisement Regulations are a material consideration.

b) Visual appearance

Given the site's prominent position within the streetscene at a crossroads, the proposed advertisements would be readily visible to the surrounding area. The individual letters, comprising of a white background with blue edge, would be arranged just above the ground floor windows to each elevation. Although the two signs would be of different scales, they would not be installed on the same elevation, and therefore not read as a whole.

It is considered that the arrangement of the proposed advertisements would not unacceptably detract from the visual appearance of the site or to the surrounding area. Each would be positioned below the first floor windows, in a position commonplace for advertisements and therefore their siting is considered to be appropriate. Furthermore, it is considered that the proposed advertisements would be of appropriate size and scale to the application property, not appear unduly dominant or obtrusive and would respect the overall composition of the elevations upon which they would be installed.

Notwithstanding the above, both of the advertisements proposed fall within the provisions of 'deemed consent' of Class 4B of the Town and Country (Control of Advertisements) Regulations 2007 (as amended) (i.e. consent would not normally be required). Accordingly, even in the event that harm to visual amenity were identified, which it has not been, Officers do not consider that the proposal could reasonably be resisted on this basis.

In light of the above, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019).

As detailed above, there are 3no. advertisements that have been installed at the site, two which do not benefit from deemed consent (i.e. consent from the Local Planning Authority is required) - these are the advertisements above the bottom of the first floor windows to the southern and eastern elevations. The arrangement and positioning of these advertisements appears awkward and contrived, harming the character and appearance of the streetscene and surrounding area. To ensure that this awkward arrangement does not continue, and is not exacerbated by virtue of the current proposal, Officers consider it reasonable and necessary that the existing lettering advertisements be removed and the new advertisements installed within a six week period. This shall be secured by way of a condition.

b) Highway safety

The Local Highway Authority (LHA) initially raised concerns in regards to the original application submission, and in particular, the proposal to have two separate internally illuminated advertisements on the southern elevation. Their concern related to the potential for driver distraction when negotiating the cross roads. Accordingly, the scheme has been amended and the proposed 'vertical' sign removed, such that only 1no. advertisement is proposed to each elevation. Whilst no formal revised consultation has taken place with the LHA, Officers consider that this amendment is sufficient to address their concern.

Turning to the 2no. advertisements which remain as part of the proposal, the LHA has not raised any objections in respect of the proposed signage to the eastern front elevation. Although it would be a noticeable sign within the street scene, it would set back from the foot way, along with the proposed canopy to be beneath it. Accordingly, it would not be prominent or distracting to users of the adjacent highway.

The illumination intensity proposed to each advertisement is 300CD/m. This level of illumination intensity is within 'permitted tolerances' outlined within the Town and Country (Control of Advertisements) Regulations 2007 (as amended) and is therefore considered appropriate. To ensure that no glare or dazzle results to users of the adjacent highway, it is considered necessary to impose a condition which ensures that the source of the illumination proposed (i.e. the bulbs) is not visible to users of the highway.

Notwithstanding the above, given that the proposed advertisements benefit from 'deemed consent', any objection to illumination could not be upheld.

On the basis of the above, Officers consider that the proposal accords with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The visual appearance of the site would not be unacceptably harmed by the proposed advertisements, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019); and
- The proposed advertisements would not unacceptably harm the safety of surrounding highways, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

7 Recommendation

The Executive Director of Place and Economy recommends that Consent to Display Advertisements is **GRANTED** subject to the following conditions:

- C 1
1. 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.
 2. 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 speed of any vehicle.
 3. 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.
 4. 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.
 5. 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: In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or as subsequently amended.

C 2 The advertisements hereby consented shall be installed and maintained in accordance with the following details:

- Proposed Block and Location Plan (Drawing number 001 Revision B)
- Existing Elevation and Floor Plan (Drawing number 002)
- Proposed Elevation and Floor Plan (Drawing number 003 Revision C)

Reason: For the avoidance of doubt and in the interest of proper planning.

C 3 No later than six weeks of the date of the decision notice, the three existing internally illuminated advertisements currently in situ on the site known as No.62 Cromwell Road shall be removed, including any fittings used to secure them in place. Thereafter, the two advertisements hereby consented shall be installed in accordance with the provisions of condition C2 above.

Reason: In the interests of ensuring an acceptable appearance to the character and appearance of the site and surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and Policy LP16 of the emerging Peterborough Local Plan (Draft) (2019).

C 4 The source of illumination to the advertisements hereby consented shall not be visible to users of the adjacent public highway.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the emerging Peterborough Local Plan (Draft) (2019).

Copies to Central Ward Councillors Hussain, Iqbal and Jamil.