

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2195/OA1
2.	Proposed Development:	APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENT - FASCIA SIGN
3.	Location:	MORRISONS SUPERMARKET, FLATT WALKS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>SITE AND INTRODUCTION</p> <p>This application relates to the car park serving the Morrisons supermarket, situated off Flatt Walks, Whitehaven. The location for development is situated at the far east of the car park, where there are parking spaces to the south, west and north and a wall with mature hedging flanking Flatt Walks to the east.</p> <p>The site is located within the Whitehaven Conservation Area.</p> <p>PROPOSAL</p> <p>This application is linked to a planning application which seeks planning permission for the siting of a</p>

small pod for business purposes within the supermarket car park – application 4/22/2193/0F1 relates.

Advertisement Consent is sought for the installation of signage to the outer walls of the pod as follows:

- Elevation A (facing east) – Fascia with business name and two separate window vinyls including details of the business and details of the sister company;
- Elevation B (facing north) – Fascia with business name and information and window vinyl with business information and car image;
- Elevation C (facing west) - Fascia with business name and two separate window vinyls including details of the business and details of the sister company;
- Elevation D (facing south) - Fascia with business name and information and window vinyl with business information and car image.

RELEVANT RECENT PLANNING APPLICATION HISTORY

There have been no relevant previous applications on the site.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Cumbria County Highways and Local Lead Flood Authority

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Conservation Officer

- The proposed location makes no positive contribution to the character and appearance of the conservation area in and of itself, and is fairly well concealed from Flatt Walks by virtue of being at a lower level and behind planting.
- The car parking associated with the business will not have any impact on local character and appearance as it is already used for parking.
- However, the proposed pod will be widely visible across the unattractive and cluttered car

park of Morrisons. In magnifying the negative aspects of local character and appearance, this proposal will fail to preserve or enhance the conservation area.

- This location is at one of Whitehaven's major gateways and is very busy. Even if the view from the road is only limited, the view from the wide area of the car park towards the grade II listed castle will be notably affected. This proposal therefore also fails to preserve the setting of a listed building by reducing the ability of its significance to be appreciated, namely, the view of its principal elevation.
- I would view this harm as less-than-substantial, and that the public benefit of the proposal could be otherwise secured with a higher quality proposal for the pod.
- I am therefore obliged to recommend refusing these two applications on the grounds that the design of the pod and its advertising scheme are poor, and the impact on both the conservation area and the setting of the Castle is harmful.
- I do not rule out the principle, however, and may be able to support a scheme with a more sensitively designed pod and associated advertising, were one to come forward.
- I would draw the designers' attention to the sections of our Conservation Area Design Guide that deal with signage and lettering (pp. 12, 14 & 15), colours (pp. 26-9), external equipment (p. 30), and lighting (p. 32).
- Additionally, our Shopfront Design Guide contains information that will be applicable to the design of a pod here.
- Both the Conservation Area Design Guide and the Shopfront Design Guide are supplementary planning documents.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ENV4 – Heritage Assets

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM27 – Built Heritage and Archaeology

Policy DM29 – Advertisements

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

The following policies are relevant to this proposal:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development
- Policy DS6PU: Design and Development Standards
- Strategic Policy BE1PU: Heritage Assets
- Policy BE2PU: Designated Heritage Assets
- Policy BE6PU: Advertisements

ASSESSMENT

Planning Policy Position

Policy DM29 of the Core Strategy (CS) relating to Advertisements states that outside areas of Special Advertisement Control, advertisements will be granted consent if all of the following criteria are met:

- i) They would not be obtrusive or dominant features in the street scene;
- ii) They would not create clutter on a building or within the street scene;
- iii) They would not harm public safety;
- iv) Where attached to a building, they would respect its scale, proportions and architectural features.

This position is repeated within Policy BE6PU of the emerging local plan (ELP).

Policies ENV4 and DM27 of the CS and BE1PU and BE2PU of the ELP relate to the protection and enhancement of the Conservation Area and seek to ensure that any alterations are in keeping and

respect the existing character of the area. Policy DM10 of the local plan requires good design.

Section 72 of the LBCA requires that: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of a conservation area.

Principle of the development

The addition of new signage is required to advertise the business function of the new pod which is to be utilized by WeBuyAnyCar. In principle, signage is acceptable in this location as the building is situated within an existing supermarket car park which contains other elements of signage and paraphernalia associated with a commercial supermarket.

The main considerations are the scale and design of the signage and any effect on the highways and public safety.

The proposed signage is located within the Conservation Area and is likely to be visible within the long views from areas of the Conservation Area and therefore this has been considered within the report.

Design and Siting

This application seeks approval for the signage associated with the business name, sister company and details with regards to the operation of the business. Policies within the CS and ELP seek to ensure that signage does not affect public safety, will not be obtrusive or create clutter and is of a reasonable scale and appearance.

The proposed signage will be located on the pod, including fascias and wall vinyls. It will be viewed in context with the building and reflects the functional use of the structure. Whilst the signage is considered to be somewhat visually intrusive, it is accepted that the colours and images are used nationwide by the company and reflect their corporate identity. Due to the siting of the pod, it is likely that the signage will only be visible from the west and north. Views are limited from the south and east due to the existing stone wall and mature planting. The signage will be viewed in context with the existing signage within the Morrisons car park and adjoining petrol filling station and its impact is limited in this context.

Overall, it is considered that the proposed signage complies with Policy DM29 of the CS and Policy BE6PU of the ELP with respect to its design and siting.

Public Safety

The signage will be displayed in locations where it does not pose an issue to passing motorists or pedestrians, ensuring the safety of highway users. The pod will be most visible from within the Morrisons car park, where vehicle speed are likely to be very low and the routes are clearly defined. As the signage will be attached to the side of the building, no risk to public safety is posed.

	<p>The Highway Authority raised no concerns with regards to the proposal.</p> <p>It is considered that the proposal accords with Policies ST1 and DM29 of the Local Plan and protects the surrounding amenity.</p> <p><u>Impact on the Conservation Area</u></p> <p>The signage will be located within the Conservation and will be visible from the long views to the west. Policies ENV4 and DM27 of the CS and Policies BE1PU and BE2PU of the ELP seek to reduce the impact of any development on the Conservation Area and maintain the character of the area.</p> <p>Although the signage is visually obvious due to the choice of colours and images, it will be seen in the context of the supermarket complex and associated signage. Furthermore, the pod is of a modest scale and therefore the fascia signage will be at a relatively low level. It is likely that there will be some harm to the Conservation Area, however this is considered to be less than substantial in this screened location.</p> <p>Whilst the application raised an objection from the Conservation Area, it is considered that a temporary permission of 3 years is acceptable. The application can then be reassessed with the benefit of the development having been in situ for some time.</p> <p><u>Planning Balance and Conclusion</u></p> <p>No objections have been received to the application.</p> <p>Whilst the proposal may create some harm to the visual amenity within the Conservation Area, this is likely to be less than substantial, and the signage will not result in unacceptable impact on the visual amenity of the area. Its concealed location within the corner of a supermarket car park will reduce its impact on public safety.</p> <p>Given the location of the site within the Conservation Area it is reasonable to limit the consent to a period of three years.</p> <p>Overall, this is considered to be an acceptable form of advertisement at this commercial site which accords with policies ST1, DM29, ENV4 and DM27 of the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve Advertisement Consent</p>
9.	<p>Conditions:</p> <p>1. This consent will expire in 3 years from the date of this notice whereupon the signage must be</p>

	<p>removed and any damage repaired unless further consent to display has been granted by the Local Planning Authority.</p> <p>Reason</p> <p>To accord with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of amenity and public safety.</p> <p>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Location Plan, scale 1:1250, drawing number 221_PL_01, received 28th April 2022; Proposed Site Plan, scale 1:500, drawing number 221_PL_02, received 28th April 2022; Proposed Off Grid POD floor plan and elevations, scale 1:50, drawing number WBACSOgV1, received 28th April 2022; Design and Access Statement, written by Whittam/Cox Architects, dated 17th March 2022, received 28th April 2022; Covering Letter, written by Peacock and Smith, dated 28th April 2022, received 28th April 2022.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant advertisement consent in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>	
Case Officer: Sarah Papaleo		Date : 15/08/2022
Authorising Officer: N.J. Hayhurst		Date : 17/08/2022
Dedicated responses to:-		