

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2274/0A1
2.	<b>Proposed Development:</b>	APPLICATION FOR CONSENT TO DISPLAY 1 NO INTERNALLY ILLUMINATED SMD LED DIGITAL DISPLAYS
3.	<b>Location:</b>	CENTRAL MOTOR COMPANY, DISTINGTON TO PARTON, DISTINGTON
4.	<b>Parish:</b>	Distington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b>  <b>Site and Location:</b>  <p>This Application Site comprises the land and building formerly known as Central 4 Cars, Distington, Workington.</p> <p>The Application Site previously comprised a vehicle sales showroom and vehicle workshop falling within the sui generis use classification and has most recently been used by Lakes College as a temporary teaching space – application ref. 4/22/2379/0F1.</p> <p>The Application Site benefits from Full Planning Permission retail use - application ref. 4/21/2341/0F1. This planning permission has been commenced; however, the use is yet to commence.</p> <p>The Application Site houses a single story building principally under a mono-pitched roof structure and finished externally with profile sheeting.</p> <p>An extensive hard surfaced forecourt and yard exist to the front (north), sides and rear</p>	

(south) of the Application Site. A vegetated area exists beyond the rear yard of the Application Site.

Access to the Application Site is via the highway connecting to the A595 at the 'Distington By Pass Roundabout'.

The Application Site is located in Flood Zone 1 and a Coal Authority Standing Advice Area.

The Application Site is located within an Area of Special Advertisement Control.

**Proposal:**

This application seeks advertisement consent for the erection of an LED Display above a display window to the front (northwest) elevation of the building.

The LED Display measures 4.16m in width and 2.56m in height.

Advertisement consent is sought for the period to September 2029.

Consultee:	Nature of Response:
Parish Council	<i>September 2024</i>  The Parish Council are in agreement but are concerned about the reflective glare which could prove difficult for vehicles on the roundabout.  <i>October 2024</i>  No objection to the amended plans.
Cumbria County Council – Highways and LLFA	<i>August 2024</i>  Cumberland 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.
National England	<i>September 2024</i>  No objections.
Environment	<i>September 2024 - 1</i>



## Cumberland Council

	Agency	<p>Environmental Health have concerns with this application over possible night time light spill to the rear of the nearby residential dwellings of Tollbar Houses in particular. The ex-Central Motors Company building and private car park frontage are not directly lit at present. All artificial ambient light during darkness is cast from the street lighting of the A595 road / roundabout and side road to Furness Row, so that the car park gradually gets darker away from this point. The building itself is set back about 30 metres from the road, though at a slightly lower elevation, and receives minimal artificial ambient light at ground level, though slightly more at the first floor front elevation from light spill of the street lights and passing beams of lights from road traffic on the roundabout. In general, however, there is no artificial light pointing in the opposite direction towards the road and to the rear of Tollbar Houses. As a consequence there is a marked contrast in the artificial lighting levels at the front and rear of Tollbar Houses – the front elevations are brightly lit, whilst the rear elevations are in almost total shadow and darkness (apart from a security light at the rear of one dwelling). Whilst the application submission advises that the proposed digital display will automatically adjust its brightness, Environmental Health are mindful that a large LED display may spill artificial light on to the rear of Tollbar Houses and potentially affect bedrooms and residential amenity. The proposed LED display may also be in the eye line of motorists on the A595 roundabout and could be a potential distraction, especially if the display was moving / changing, though it is noted that National Highways have not objected to the application. Environmental Health would therefore object to this application at present. If the developer can assure that light spill will not have an adverse effect, the following condition may be considered –</p> <ul style="list-style-type: none"><li>• Artificial Lighting (external) No use hereby permitted shall be commenced until a report detailing the lighting scheme and predicted light levels at neighbouring residential properties has been submitted to and approved in writing by the Local Planning Authority. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within the Institute of Light Engineers Guidance Notes for The Reduction of Obtrusive Light, GN01/21, dated 2021. Reason: In order to safeguard the amenities of adjoining residential occupiers.</li></ul> <p><i>September 2024 – 2</i></p> <p>Thank you for the above consultation and the additional information dated September 2024. This information is acceptable to Environmental Health, presuming that the display is limited to (daytime) hours of operation only as proposed. As such, there are no objections from Environmental Health to this application.</p>
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<b>Neighbour Responses:</b>	
The application has been advertised by way of a planning application site notice.	
No written representations have been received in respect of the proposals.	

**Planning Policy**

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

**Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

**Copeland Local Plan 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Policy DS4 - Design and Development Standards

Policy BE6 - Advertisements

**Other Material Planning Considerations**

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

National Planning Policy Framework (NPPF).



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### Assessment:

The proposals raise the following planning issues:

*i. Amenity;*

The proposed LED Display comprises a large addition to the frontage of the existing building facade.

The immediate surroundings of the Application Site comprises residential properties.

The Application Site is located adjacent to the roundabout connecting the A595, A597 and B5306.

The Lillyhall Industrial Estate is located to the north and east. The commercial properties to the immediate north include a motor dealership, service station and fast-food outlet, which include extensive illuminated and non-illuminated signage.

The proposed signage will be visible from the local highway network, commercial premises, it would not be overtly prominent within the locality or street scene.

The proposed advertisements would not be dominant in views from nearby dwellings.

The Applicant has submitted a Lighting Assessment which has demonstrated that adverse impacts upon the residential amenity of the nearby dwellings will not result from the development.

It is confirmed that the illumination will be in line with the Institution of Lighting Professional (ILP) Professional Lighting Guide 05 (PLG 05). The display will not exceed 600cd/m<sup>2</sup>. An automatic Ambient Light Sensor is installed to monitor the current light levels and adjust the display automatically to keep within these guidelines.

The signage will operate during the intended opening hours of the premises. A planning condition is proposed to secure adherence.

*ii. Public Safety;*

Cumberland Council Highways and Highways England have been consulted and confirm no objection.

Given its location, the proposed would not impair or impede the adjacent highways including the visibility splays at the adjacent highway junction.

Whilst it is noted that Cumberland Council Highways and National Highways have raised no objections to the development or commented on the "smooth transition between static

	<p>images every 15-20 seconds”, concerns exist that during peak periods, traffic on the surrounding highway network can become congested at which time vehicles are required to wait at the junctions of the roundabout for extended periods. The signage is also directly visible when approaching the roundabout from the A597. Images transitioning four times each minute has the potential to act as a considerable distraction for vehicles, particularly those using the A597, increasing the potential for collision. It is considered that reducing the number of transitions could reduce the potential to road users to become distracted by the signage.</p> <p>Following discussion, the Applicant provided agreement that none of the adverts will contain any moving images, the advertisements shall be programmed to change not more than once every 5 minutes and the illumination shall not be intermittent and there shall be no changing lighting patterns.</p> <p>It was also confirmed that the display will be fitted with a safety mechanism to switch off immediately should a malfunction occur.</p> <p><b>Conclusion:</b></p> <p>The Application Site is located within an Area of Special Advertisement Control; however, is it a commercial building located adjacent to a motor dealership, service station and fast-food outlet, which include extensive illuminated and non-illuminated signage.</p> <p>Given the developed context, many of the criteria applicable to Area of Special Advertisement Control are not directly applicable and relevant to the development and its impacts.</p> <p>The proposed is of a reasonable scale and appearance, having regard to the nature and situation of the land or building to which it relates.</p> <p>The proposed illumination will be internal; however, it has been demonstrated the impacts are limited and hours of operation are principally limited to daylight hours, minimising its impacts.</p> <p>No issues are arising in relation to highway safety.</p> <p>Approve advertisement consent subject to planning conditions relating to the type and impacts of the illumination, hours of operation and standard planning conditions for advertisements.</p> <p>Time limit for advertisement as per Applicant request.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve Advertisement Consent</p>



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9.	<p><b>Condition(s):</b></p> <p>1. The advertisements hereby granted express consent shall not be retained on the site after the 30th September 2029.</p> <p>Reason</p> <p>To ensure the advertisement is removed in the interests of the character and amenity of the area in accordance with the provisions of Policy BE6 of the Copeland Local Plan 2021-2039.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Application Form Site Location Plan – Scale 1:1250 Elevation Drawing – Drawing No. A - Date: 05/08/24 Artists Impress LED Video Display Light Pollution Diagram</p> <p>Lighting Assessment as amended by details contained in Email Correspondence Dated 27<sup>th</sup> September 2024</p> <p>Reason</p> <p>For the avoidance of doubt and in the interests of proper planning.</p> <p>3. The signage permitted by this consent shall only be illuminated during the lesser of following:</p> <p>i. the opening hours of the premises to which it relates; or, ii. 08:30 – 18:00 Monday to Saturday and 10:00 - 16:00 Sunday, and at no other times.</p> <p>Reason</p> <p>To ensure that the character of the area is not adversely affected in accordance with the provisions of Policy BE6 of the Copeland Local Plan 2021-2039.</p> <p>4. The illumination levels of the signage hereby approved shall not exceed 600cd/m2.</p> <p>Reason</p>
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In the interest of highways safety and visual amenity in accordance with the provisions of Policy BE6 of the Copeland Local Plan 2021-2039.

5. The illumination of the signage hereby approved shall not be intermittent and there shall be no changing lighting patterns.

Reason

In the interests of highway safety in accordance with the provisions of Policy BE6 of the Copeland Local Plan 2021-2039.

6. The advertisements shown on the signage hereby approved shall not contain any moving images.

Reason

In the interest of highways safety and visual amenity in accordance with the provisions of Policy BE6 of the Copeland Local Plan 2021-2039.

7. The advertisements shown on the signage hereby approved shall be programmed to change not more once every five minutes.

Reason

In the interests of highway safety in accordance with the provisions of Policy BE6 of the Copeland Local Plan 2021-2039.

8. 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

Required to be imposed by Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.





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9. 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.

Reason

Required to be imposed by Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

10. 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.

Reason

Required to be imposed by Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

11. 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

Required to be imposed by Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

12. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason

Required to be imposed by Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

<b>Case Officer:</b> Chris Harrison	<b>Date :</b> 14.11.2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 15/11/2024
<b>Dedicated responses to:-</b> N/A	