

Ms. Amanda Hardwidge Clear Channel UK Ltd, Unit 4, Garonor Way, Portbury, Bristol, BS20 7XE

Ms. Amanda Hardwidge Clear Channel UK Ltd, Unit 4, Garonor Way, Portbury, Bristol, BS20 7XE

Outside 11, Windsor Road, Penarth

Display of a double sided digital advertising panel full integrated into the bus shelter

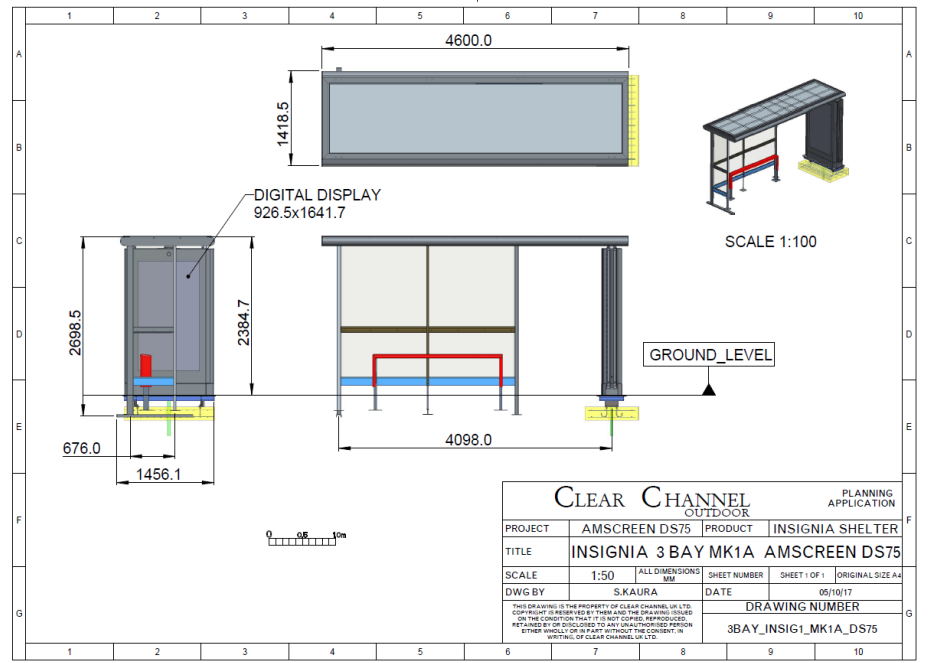
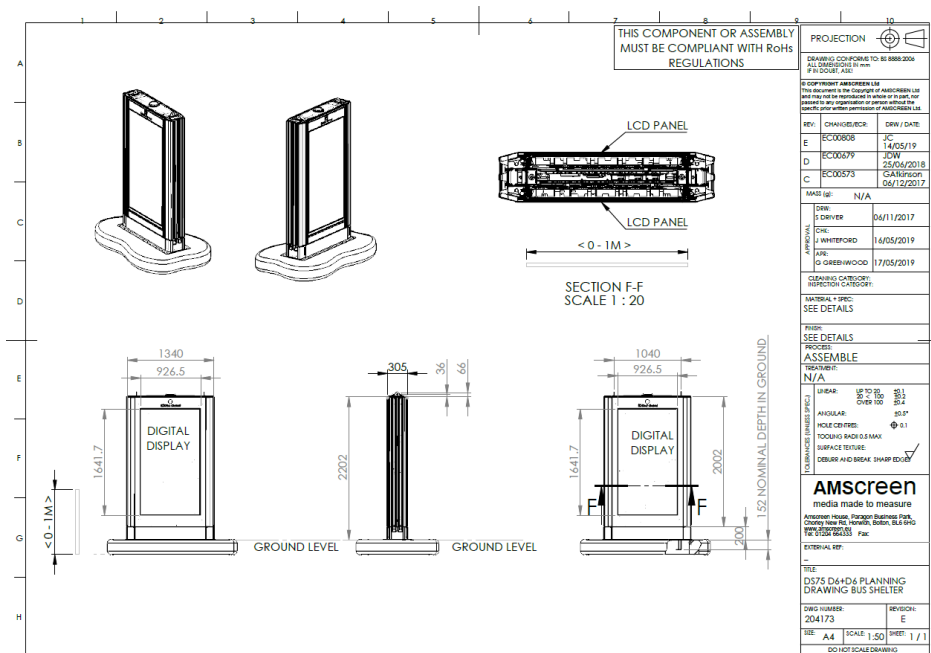
SITE AND CONTEXT

The application relates to a bus shelter on Windsor Road opposite 11, Windsor Road (Funky Monkey), within the Penarth settlement boundary and conservation area, as identified by the adopted Vale of Glamorgan Local Development Plan (LDP) 2011-2026. The location of the shelter is shown on the map below.



DESCRIPTION OF DEVELOPMENT

The application seeks to install a fully integrated and illuminated advertisement panel, into the bus shelter. The panel will have a height of 2.2m, a width of 1.3m and a depth of 0.3m. The screen will be illuminated to a level of 284 cd/m². Detailed plans have been included below.



PLANNING HISTORY

There is no relevant planning history

CONSULTATIONS

- Penarth Town Council** – No objection
- Local ward members** - Cllr Neil Thomas stated no objection. Summarised his comments include:
 - Would have welcomed discussion for the town council to have some use of an electronic noticeboard rather than the proposed advertisement.

3. **Local Highways Authority** – No objection, provided that conditions are met relating to illumination levels and transitions between adverts, to ensure highway safety is upheld.

REPRESENTATIONS

The neighbouring properties were consulted on 23 July 2019 with one letter of representation being received from Funky Monkey requesting that:

- Works would take place outside of trading hours in order to minimise disruption to passers-by and customers.

A site notice was also displayed on 12.08.2019. No representation has been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development
POLICY MD5 – Development within Settlement Boundaries
POLICY MD8 - Historic Environment

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 7 – Outdoor Advertisement Control (1996)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Penarth Conservation Area

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

The key issues to consider in determining this application are the impact the proposed development will have on local amenity, in terms of how the advertisement panel will affect the street scene and Penarth conservation area, and whether it will raise concerns related to public safety.

Amenity

In line with policy SP10, advertisements within Conservation Areas should respect the form of the building on which they are displayed in style and scale and should not be an incongruous element in the street-scene. Traditional materials and simple typefaces are favoured. Internally illuminated fascia signs and box signs will only be permitted where they would not unacceptably affect the character and appearance of the conservation area.

Despite being in the Penarth Conservation Area and Penarth Settlement Boundary, precedent of bus shelter advertising boards exists within the street scene. Therefore, the proposal is to make both sides of the bus shelter digital advertising so would create no further detrimental impacts on the character of the street scene. The fact the screens are also fully integrated into the shelter means they will not be of an inappropriate scale that could have an unacceptable impact on visual amenity.

In order to assess the impact the proposed screen will have on neighbourhood amenity, it is important to consider the degree to which it will be illuminated. The application specifies that the screen will be illuminated to a level of 284 cd/m², which falls within the usual range for general purpose screens. Moreover, the presence of street lighting and a high volume of traffic along Windsor Road are considered to be more harmful towards neighbourhood amenity, compared to the light omitted from the digital advertisement screen.

The siting of the shelter in relation to properties along Windsor Road puts an acceptable distance between the screen and nearby dwellings and business premises. Therefore, it will not appear overbearing or un-neighbourly. Considering these arguments, the replacement of the existing panel with an illuminated version, will not adversely affect local amenity for residents.

It is considered that the character of the conservation area would be preserved, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Public Safety

The proposed level of illumination and the fact the shelter is set back from the carriageway, will limit any further distraction to road users. Taking highways standpoint into account, it is considered that the proposed screen will not jeopardise highway safety, provided the following set of conditions are imposed and met regarding its operation and use as a digital advertisement display.

- *Adverts shall be restricted to sequential static images changing no more frequently than every 10 seconds with the transition to the next advertisement achieved via a smooth fade.*
- *Full motion advertising (animated) displays shall not be permitted.*
- *The level of illumination during the hours of darkness shall be restricted to no greater than 280cd/m².*

Reasons: *To avoid causing a distraction to drivers and ensure that the proposal will “Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree” as stipulated by section 6 of Policy MD2 of the adopted LDP (2011-2026).*

To adhere with part 10 of Technical Advice Note 7 – Outdoor Advertisement Control (1996), which states that “In assessing an advertisement's impact on public safety, local planning authorities should have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, and in the air, including the likely behaviour of vehicle drivers who will see the advertisement”.

The following comment has been included as an informative point:

- *The applicant is required to contact Mr. Peter Coughlan of the Highways Section prior to carrying out any works on the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.*

It is noted that further conditions have been requested in relation to daylight illumination levels and enabling the Council to adjust illumination. However, it is considered that these conditions are not fundamentally necessary to render the advertisements acceptable.

REASON FOR RECOMMENDATION

Having regard to Policy SP1 – Delivering the strategy, Policy SP10 – Built and Natural Environment, Policy MD2 - Design of New Development, Policy MD5 - Development Within Settlement Boundaries, and Policy MD8 – Historic Environment, of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales 10th Edition (2018), Technical Advice Note 7- Outdoor Advertisement Control (1996), Supplementary Planning Guidance - Penarth Conservation Area, the development is considered acceptable in terms of its impact on neighbourhood amenity and public safety.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

1. This permission shall remain valid for a period of five years from the date of this consent.

Reason:

To comply with Regulation 13(5) of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

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

Drawing number: 204173, DS75 D6 + D6 Planning Drawing Bus Shelter.
(received: 18/07/2019)

Drawing number: 3BAY_INSIG1_MK1A_DS75, Insignia 3 Bay MK1A
Amscreen DS75, (received: 18/07/2019)

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The advertisement(s), and any supporting structure the site used for the display of the advertisement(s), shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason:

To ensure that [local amenities are / public safety is] safeguarded and to comply with the Town and Country Planning (Control of Advertisements) Regulations, 1992.

4. The structure or hoarding [erected for / used principally for the purpose of] displaying the advertisement(s) shall be maintained in a safe condition.

Reason:

To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

5. The intensity of the illumination of the screen permitted by this consent shall be no greater than 284 cd/m².

Reason:

In the interests of [local visual amenity / public safety] and to comply with the Town and Country Planning (Control of Advertisements) Regulations, 1992.

6. Adverts shall be restricted to sequential static images changing no more frequently than every 10 seconds with the transition to the next advertisement achieved via a smooth fade.

Full motion advertising (animated) displays shall not be permitted.

The level of illumination during the hours of darkness shall be restricted to no greater than 280cd/m².

Reasons:

To comply with section 6 of Policy MD2 of the adopted LDP (2011-2026).
To comply with part 10 of Planning Guidance (Wales), Technical Advice Note (Wales) 7, Outdoor Advertisement Control - November 1996.

NOTE:

1. **The applicant is required to contact Mr. Peter Coughlan of the Highways Section prior to carrying out any works on the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.