

Delegated Application Report

Address: 99 Broad Street

Application No: 210247/ADV

Proposal: Installation of 1 x branded parasol and 4 x branded planters

Target Date: 05/05/21

Case Officer: Connie Davis

Site Description and Surrounding Area:

The application site is a three-storey mid terrace currently vacant retail unit located on the southern side of Broad Street. The site is located on a Primary active frontage as defined in the Proposals Map. The building is considered to have architectural merit at first and second floor level.

The site was last in lawful use as Nationwide Bank (Use Class A2 - now use class E), but since the revisions to the Use Classes Order, the site is to be used as a coffee shop (former use class A1 - now use class E).

Proposal

Advertisement consent is sought for the installation of 1 x branded parasol and 4 x branded planters.

It should be noted that the applicant does not have permission to use the public highway for business purposes. Therefore, even though advertisement consent may be granted, planning permission and a highways licence will be required in order to actually install these structures as it results in a material change of use to the land.

Plans/ Documents Submitted:

219127-EX1 - Existing Plan & Elevations
Site Photographs

Received 15th April 2021

219127/LOC Rev A - Site & Location Plan
219127.ADV2 Rev A - Proposed External Seating Area

Received 29th April 2021

Relevant Planning History:

201755/FUL - Changes to front façade to include a fully glazed shopfront, recessed lobby, aluminium illuminated fascia board and roller shutter - Application Permitted

201756/ADV - Installation of 1 x internally illuminated fascia sign and 1 x internally illuminated hanging sign - Application Permitted

201573/VAR - Sub division of 99 Broad Street into two units. Change of use of unit fronting Broad Street from Class A1 retail to Class A2 financial services. Unit fronting Chain Street to remain in A1 use without complying with condition 2 (to be varied) and condition 3 (to be removed) of planning permission 030787 - Application Permitted

Consultation Responses:

Internal Consultation

Transport:

As advised on the comments provided for the licensing team, the delivery route cannot be obstructed, therefore nothing should extend beyond the tree illustrated on submitted plan 219127.ADV2 to ensure they do not obstruct the delivery / emergency route through Broad St. Please ask the applicant to submit revised plans.

***Officer comment:** This application is only concerned with the advertisements themselves rather than their potential position on the highway. Revised plans were received removing the details of external seating area, which requires separate permission and licenses.*

External Consultation

No statutory consultation is required for advertisement consent applications.

Summary of discussions with applicant/agent:

The agent was advised that the occupation of the highway for business purposes would be a material change in the use of the land which would require separate planning permission and a highways license.

Revised plans were sought removing reference to the external seating area. This is to clarify that the land cannot be used by the applicant without necessary permissions/ licenses in place.

Equality Act 2010:

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance and Legal Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Reading relevant to the application site comprises the *Reading Local Plan (2019)*

The ‘*National Planning Policy framework*’ (‘NPPF’) 2018 states clearly that its content is to be a material consideration in the determination of applications. The ‘NPPF’ states that due weight should be given to the adopted policies of the Local Development Framework (LDF) according to their degree of consistency with the ‘NPPF’ (the closer the policies in the plan to the policies in the ‘NPPF’, the greater the weight that may be given). Accordingly, the ‘NPPF’ and the following development plan policies and supplementary planning guidance are relevant

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires the Local Planning Authority to exercise its powers under these regulations in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material; and any other relevant factors. Regulation 3 states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural, or similar interest.

Factors relevant to public safety include highway safety and whether the advert would hinder security or surveillance devices, including speed cameras.

Relevant Policies

Reading Borough Local Plan (2019):

CC7: Design and the Public Realm

TR3: Access, Traffic and Highway-Related Matters

OU4: Advertisements

OU5: Shopfronts and Cash Machines

Appraisal

The main issues are considered to be:

- i) Amenity
- ii) Public safety

i) Amenity

Policy OU5 states:

Shopfronts, individual features of shopfronts and cash machines will respect the character of the building on which they are located and their surroundings, as well as the wider street, in terms of design, colours, materials, lighting, and location. Features that positively contribute to the character of the building and street will be retained and, where possible, restored. Safety and security will be maintained and enhanced.

The advertisements proposed under this application are not to be attached to a building and therefore some aspects of the above policy will not apply. Nevertheless, policy does state that advertisements should respect their surroundings and wider street, and this is considered applicable to advertisements not directly fixed to a building. The Costa logo is proposed on the parasol and planters and is modest in scale. The colour scheme is considered acceptable and would not be considered out of place with the scale of advertisements found elsewhere within the town centre. The advertisements would also be non-illuminated.

It should be remembered that the placement of the street furniture on the highway itself needs to be assessed as part of a full planning application and will require a highways licence, which will be included in an informative. This will allow the considerations raised as part of the Transport consultation to be addressed. This application can only assess the advertisements on the street furniture rather than the placement of the furniture itself.

Overall, the proposed advertisements (not considering the structures placement on the highway), are considered acceptable in terms of Policies CC7, OU4 and OU5.

ii) Public Safety

The NPPG (in particular in this instance Paragraph: 068 Reference ID: 18b-068-20140306 & Paragraph: 078 Reference ID: 18b-078-20140306) provides guidance as to the considerations affecting public safety. These are detailed below (in *italics*), together with officer responses in relation to the proposal (in **bold**):

The main types of advertisement which may cause danger to road users are:

- (a) those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway; **No***
- (b) those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature; **No***
- (c) those which effectively leave insufficient clearance above any part of a highway, or insufficient lateral clearance for vehicles on the carriageway (due allowance being made for the camber of the road-surface); **No***

- (d) *those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology: No*
- i. *where the means of illumination is directly visible from any part of the road; No*
 - ii. *which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals; No*
 - iii. *which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; No*
 - iv. *which are subject to frequent changes of the display; No*
- (e) *those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message; No*
- (f) *those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road; No*
- (g) *those which resemble traffic signs, as defined in [section 64 of the Road Traffic Regulation Act 1984](#), and may therefore be subject to removal by the traffic authority under [section 69](#) of that Act, for example:*
- i. *those embodying red circles, crosses or triangles, or any traffic sign symbol; or those in combinations of colours which might otherwise be mistaken for traffic signs; No or*
 - ii. *those incorporating large arrows or chevrons with only the arrow or chevron made of retroflective material or illuminated, causing confusion with similar signs in use at, or approaching roundabouts. No*
- (h) *those which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion with, traffic signs, for example, advertisements which:*
- i. *contain a large arrow or chevron (or have a pointed end and have only a few words of message); No*
 - ii. *invite drivers to turn right on a main road, or where there is fast moving traffic; No*
 - iii. *invite drivers to turn, but are sited so close to the turning that there is not enough time to signal and turn safely; No or*
 - iv. *are so close to similar advertisements, or official traffic signs, that road-users might be confused in the vicinity of a road junction or other traffic hazard. No*
- The prevention of crime is a public safety consideration and local planning authorities should consider whether granting express consent could block the view of CCTV cameras, or whether illumination from an advertisement would cause glare on such cameras. No*

In light of the above it is confirmed that the proposals are considered to be satisfactory on public safety grounds.

Conclusion

GRANT 210247/ADV in accordance with Regulation 14 (1) (a and b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Subject to the following conditions:

Conditions

1. The advertisements hereby consented shall be carried out in accordance with the following approved plans:

Drawing No:

219127.ADV2 Rev A - Proposed External Seating Area

Received 29th April 2021

REASON: For the avoidance of doubt and to ensure that the advertisement is carried out in accordance the details hereby approved in accordance with Policy OU4 of the Reading Borough Local Plan 2019

2. The Standard Conditions:

i. 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: In accordance with Schedule 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

ii. 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: in accordance with Schedule 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

iii. 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: In accordance with Schedule 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

iv. 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: In accordance with Schedule 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

v. 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 2, Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informatives

1. Your attention is drawn to the terms and conditions of this consent. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the consent may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
2. Planning permission and a highways licence should be obtained before using highway land for business purposes, and before installing the parasol and planters approved under this advertisement consent application.

3. The local planning authority has worked positively and proactively with the applicant to resolve relevant matters to allow consent to be granted within the prescribed target or agreed extended timescale for the decision to be issued.