

DELEGATED APPLICATION REPORT

Address: 116-117 Broad Street, Reading, RG1 2BE

Application No: 170764/CLP

Proposals: Internal signage at second floor level on Broad Street elevation

Applicant: Primark Stores Ltd

Date received (valid from): 15/05/17

Target Decision date: 10/07/17

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. The application site comprises a largely three-storey and basement building fronting onto the south side of Broad Street, adjacent to the pedestrianised junction with Cross Street (to the north). The building has a secondary frontage on Minster Street, where vehicular access to basement level servicing is provided. The building represents one of the largest (in terms of floorspace) retail units within the town centre and has recently been occupied by Primark (trading from 01/11/16). Works associated with the use by Primark were approved in 2015 (see relevant history below), with the site having previously been occupied by BHS (who vacated the site early in 2015). It is understood that the building was previously redeveloped in the late 1960's, into the general form and appearance which was seen until the 2015 permission was implemented.
- ii. The site is located within a designated Active Frontage (Broad Street elevation only), the Primary Shopping Area, the Office Core and the Central Core. It is also within an area of Archaeological Importance and Air Quality Management Area. The site is outside of a designated conservation area, but is in close proximity to two. First, St Mary's Butts / Castle Street Conservation Area extends as far as Minster Court, which is to the south-west of the application site. Secondly, Market Place / London Street Conservation Area is within 50m of the Broad Street frontage. As such, the application site is located within the setting of both conservation areas. Furthermore, the site is also located in close proximity to a number of listed buildings located outside of these conservation areas. First, opposite the site to the south is the Grade II listed Telephone Exchange building (41 - 45 Minster Street). This is 3 storeys of red brick with stone dressings in an attenuated Georgian style. Meanwhile to the north, there is a Grade II group listing for 1-31 & 2-32 Queen Victoria Street, 148,149 & 150 Friar Street, 24-28 & 35-38 Broad Street. No. 24 Broad Street is opposite the application site to the north and is an early 20th century red brick Bank with large shaped pediment doorway on corner to Cross Street (occupied by Lloyds Bank).
- iii. The unauthorised signage at upper floor level on the Broad St elevation (following this being refused and dismissed at appeal in 2016/2017) remains in place at the time of writing, although the applicant has indicated that it will be removed and the fenestration made good during week beginning 10th July 2017.
- iv. The character of the surrounding area is largely retail in nature, with a variety of retail and other town centre uses on both Broad Street and Minster Street.

2. The Proposal

- i. A certificate of lawfulness for a proposed use is sought in relation to internal signage at second floor level on the Broad Street elevation. The letters would be 1250mm high on a back wall within the inside of the store, set back between 1m and 1.2m of the inner

face of the front façade window. Given the thickness of the glass window, if the measurement was taken from the outer face

- ii. The applicant has stated that “this relates to proposed signage only where we are seeking a determination as to whether a planning application will be required, this given the sign is located circa 1 meter (Sic) from the façade of the building in accordance with the attached example”.
- iii. During the course of the application the applicant confirmed that the internal signage would be non-illuminated.

3. Consultations

None required for this type of application.

4. Plans Considered

- i. The Council, in reaching its recommendation, has taken into consideration the following documents and information (as received 15/05/17 unless where otherwise stated):

09 Rev 4.1 - Location and Site/Block Plan

200 Rev 1.3 - Broad Street Signage Proposal

Advertisements which are normally permitted (extract from DLGG 2007 Outdoor advertisements and signs: a guide for advertisers)

Application form

Email from Chart Plan ‘Re: Broad Street, Reading Lawful Development Application (Signage) (170764)’ dated and received 07/07/17

5. Most Relevant Planning History

- i. 110119/ADV (11/00265/ADV) - 2 x ground floor fascia signs; 2 x signs on Broad Street monolith; 3 x projecting signs; white lettering on basement level vinyl; 4 x red canvas signs at first floor level. Split decision - Advertisement consent part granted / part refused 12/07/2011. The four internally illuminated flexi-face canvas signs at first floor level (two on Broad Street, two on Minster Street) were not approved.
- ii. 151221/FUL - Erection of second floor extension, roof level plant, various alterations to Broad Street and Minster Street facades and associated works. Granted following completion of s106 legal agreement 13/11/15.
- iii. 151241/ADV - Display of 4 fascia signs & 2 projecting signs to Broad Street elevation and 4 fascia signs & 1 projecting sign to Minster Street elevation (all internally illuminated) (amended description). Granted 16/11/15.
- iv. 160100/ADV - Display of 5 internally illuminated fascia signs to Broad Street elevation. Withdrawn 07/03/16.
- v. 160564/ADV - Display of 3 internally illuminated fascia signs to ground floor Broad Street elevation. Granted 27/05/16.
- vi. 160567/ADV - Display of 2 internally illuminated fascia signs to the upper floors of the Broad Street elevation. Refused 27/05/16.

- vii. 161933/ADV: Display of 1 internally illuminated fascia sign to the upper floors of the Broad Street elevation. Refused 2/12/16. Appeal lodged (Ref APP/E0345/Z/16/3164603) and dismissed 16/02/17.
- viii. 161982/ADV - Retention of 1 internally illuminated fascia sign to the upper floors of the Broad Street elevation for a temporary period of four months. Refused 2/12/16. Appeal lodged (Ref APP/E0345/Z/16/3164606) and dismissed 16/02/17.

6. 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.

7. Relevant Planning Guidance

Annex 8 "Lawfulness and the Lawful Development Certificate" of Planning Circular 10/97 'Enforcing Planning Control: Legislative Provisions and Procedural Requirements' sets out the procedure for assessing applications for certificates of lawfulness:

Para 8.26 states, "if the LPA are supplied with information satisfying them that the operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application." "The burden of proof in a LDC application is firmly on the applicant."

8. Appraisal

Given that the plans indicate that the advertisement will be located over 1m from the external window and be non-illuminated, it would fall within the realms of Schedule 1, Class I of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), for which parts 2 (Deemed consent) and 3 (Express Consent) do not apply. As such, advertisement consent is not required for the signage indicated on the plans submitted.

The application site is not listed and not within a conservation area. The signage is considered to fall outside of the meaning of development, as per section 55 of the Town and Country Planning Act 1990 (as amended). Accordingly, neither planning permission nor listed building consent is required for the advertisement shown on the plans submitted.

Accordingly, the internal signage is not considered to require planning, listed or advertisement consent and therefore a certificate of lawfulness can be granted.

9. Conclusion & Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), and it has been confirmed that the proposal would be lawful for it falls outside the meaning of development in section 55 of the Town and Country Planning Act 1990 (as amended) and complies with Schedule 1, Class I of the Town and Country Planning (Control of

Advertisements) (England) Regulations 2007 (as amended), for which parts 2 (Deemed consent) and 3 (Express Consent) do not apply. This is on the basis of the following drawings/information, received on 15th May 2017:

09 Rev 4.1 - Location and Site/Block Plan

200 Rev 1.3 - Broad Street Signage Proposal

Advertisements which are normally permitted (extract from DLCC 2007 Outdoor advertisements and signs: a guide for advertisers)

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And the following received on 7th July 2017:

Email from Chart Plan 'Re: Broad Street, Reading Lawful Development Application (Signage) (170764)' dated and received 07/07/17

Therefore the Local Planning Authority will, on this occasion, issue the applicant with a Certificate of Lawfulness.

Informative:

You are reminded of the requirement to remove the existing unauthorised signage from the upper floor Broad Street elevation at this site, as per 161933/ADV & APP/E0345/Z/16/3164603 / 161982/ADV & APP/E0345/Z/16/3164606. It is acknowledged that you have indicated that this signage will be removed during week beginning 10/07/17; if this does not materialise then this matter will be progressed by the Council's Planning Enforcement Team.

