CASE OFFICER'S REPORT

Application Reference:	PL/2023/00876
Application Type:	Consent to display an advertisement
Site Inspection:	12 September 2023
Consultation ends:	31 August 2023
Case officer:	Julie Mitchell

Site Address:	6 Endless Street, Salisbury, Wilts, SP1 1DL
Proposal:	Retrospective consent for red and blue pole shop sign, hanging sign, window vinyls, non-illuminated fascia lettering and 'A' board
Recommendation:	Split

POLICIES:

Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Planning (Listed Building and Conservation Areas) Act 1990 - Section 72: General duties of planning authorities
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Wiltshire Core Strategy (WCS):
Core Policy 57: Ensuring high quality design and place-shaping
Core Policy 58: Ensuring the conservation of the historic environment

Supplementary Planning Documents (SPD):
Shopfronts & Advertisements SPD

ISSUES

Advertisement applications are considered against The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. This states that advertisement applications must be considered in terms of their impacts on amenity and public safety.

CONSULTATION RESPONSES:

Salisbury City Council:
No comments received.

Conservation Officer:
The site is within the City Conservation Area and forms part of the streetscene and setting of several listed buildings (51 Blue Boar Row, 1 Winchester St, 12 and 13 Endless St, all grade II). Adopted shopfront and advertising guidance also applies. I note that there have been alterations to the shopfront's structure that do not appear to have been subject to an application.

Regarding the proposed signage, it is considered that no illumination is necessary or required and this should be removed. The fascia sign is otherwise acceptable. The plastic 'barber's pole' is internally illuminated and of poor quality, this should also be removed. I note that British barbers' poles are traditionally red and white, the blue is a US thing. A non-illuminated painted pole could possibly be acceptable, subject to further details. The use of photographic vinyls detracts from the streetscene and is not acceptable.

As submitted (retrospectively), I consider that the works fail to preserve or enhance the character of the CA and offer no public benefits that might outweigh the 'less than substantial' harm in NPPF terms.

Highways Officer:
I refer to the above retrospective planning application for a red and blue pole shop sign, hanging sign, window vinyls, non-illuminated fascia lettering and 'A' board.

The red and blue barbers pole is fixed at 2.3m above the footway, the minimum distance from the footway to the base of the pole must be 2.4m and therefore to be acceptable this must be relocated higher.

The A board is located within the public highway on the footway and will cause an obstruction and a public safety hazard and therefore this must be removed from the application.

The hanging sign is acceptable although an Oversailing Licence will be required.

The window vinyls and fascia lettering is acceptable.

Therefore to prevent a highway objection the application should be altered to reflect my comments above.

REPRESENTATIONS:

None received.

PLANNING HISTORY:

PL/2022/04487 - Change of use from nightclub to retail unit - Approved

SITE DESCRIPTION:
The application site forms part of a former nightclub building which has been subject to recent planning permission for change of use to a retail unit which is currently occupied by a barbers. It is located within the city centre of Salisbury. It is within the Conservation Area where there are various listed buildings in the vicinity. The subject building and the immediately adjacent buildings are unlisted.

PROPOSAL:

Retrospective advertisement consent is sought for the following signage:

- Red and blue pole shop sign (internally illuminated),
- Hanging sign,
- Window vinyls,
- Non illuminated fascia lettering with external light, and
- 'A' board

ASSESSMENT:
Outdoor advertisements are controlled by local planning authorities, under the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under regulation 3, advertisements are subject to control only in the interests of “amenity” and “public safety”.

Paragraph 136 of the NPPF states that *"The quality and character of places can suffer when advertisements are poorly*
sited and designed... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

The NPPG emphasises that it is criminal offence to display an advertisement without consent.

The NPPG, Paragraph: 011 Reference ID: 18b-011-20140306 Revision date: 06 03 2014, also advises that *‘A-boards’ on highways (including footways) where vehicular traffic is prohibited will require express advertisement consent. They will also require the consent of the relevant council under section 115E of the Highways Act 1980 for permission to place items such as ‘A-boards’ in highways (including footways) where vehicular traffic is prohibited.*

NPPG, Paragraph: 026 Reference ID: 18b-026-20140306 Revision date: 06 03 2014, states that *Regulation 3 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals.*

Considerations affecting Amenity (NPPG Paragraph: 079 Reference ID: 18b-079-20140306 Revision date: 06 03 2014):
“Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

Considering Public Safety (NPPG Paragraph: 028 Reference ID: 18b-028-20140306 Revision date: 06 03 2014):
Public safety is not confined to road safety and includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

WCS Core Policy 57 of the Wiltshire Core Strategy requires "the sensitive design of advertisements and signage, which are appropriate and sympathetic to their local setting by means of scale, design, lighting and materials" and Core Policy 58 also states “Development should protect, conserve and where possible enhance the historic environment”.

There is a duty placed on the local planning authority under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building and its setting. Section 72 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The NPPF para 199 advices that *"When considering the impact of a proposed development on the significance of a*
designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Signage has been provided in connection with the current use. Retrospective advertisement consent is sought for the retention of the signage, comprising the following elements: an internally illuminated red and blue pole shop sign, a hanging sign, window vinyls, a fascia sign comprising non-illuminated lettering with external illumination and an 'A' board.

Impact on Amenity of the Area:
The location of the site is within the Conservation Area of Salisbury in an area comprising a mix of commercial and residential use which lies just outside of the principal retail area of the city centre. There are several listed buildings in the vicinity of the site but none immediately adjacent to the site. The previous use of the building was part of a disused nightclub which has consent for Class E (retail), and is in use as a barbers shop.

The Conservation Officer has commented on the application as outlined in full above. It is considered by the Conservation Officer that no illumination is necessary or required and that the external light should be removed. The lettering on the fascia sign is otherwise considered acceptable. No comment is made regarding the non-illuminated hanging sign. It is further considered that the plastic 'barber's pole' which is internally illuminated and of poor quality should be removed. It is noted that British barbers' poles are traditionally red and white, whereas as the

blue colouring is a US thing. It is stated that a non-illuminated painted pole could possibly be acceptable, subject to revised details, however as the application is retrospective it can only be determined on what is present. It is further considered that the use of photographic vinyls detracts from the streetscene and is not acceptable.

As consent is sought retrospectively, the impact of the signage can be seen in the image provided below, although this does not demonstrate the impact from illumination.



Having regard to the Conservation Officer's comment, it is considered that the hanging sign and fascia signage would have no demonstrable adverse impact on amenity. The external illumination provided by the light fixing above the fascia sign is not considered to be necessary however NPPG sets out this is not a reason to object unless it is otherwise harmful to amenity. The business operating hours are publicised as being open until 7pm at the latest. With a condition restricting the hours of illumination to be within opening hours of 9 am to 7 pm, the external illumination is not considered to be unduly harmful to amenity, having due regard to the Conservation Area designation. The Council's guidance does not prohibit external illumination. The internal illumination of the barbers pole is considered an inappropriate feature which fails to preserve or enhance the character of the Conservation Area. It would offer no public benefits that might outweigh the 'less than substantial' harm in NPPF terms.

No representations from third parties have been received in respect of residential amenity, it is considered that the static nature of external illumination from the external light fixing is unlikely to cause demonstrable harm to the amenities of residents in the locality.

The window vinyls which have been affixed to the lower level window are not considered to cause demonstrable harm to amenity in terms of the overall streetscene taking into consideration that the majority of the window remains uncovered.

The A board is not affixed to the building, consideration of its impact is related to public safety, such that its impact on amenity is not the determining factor.

It is concluded that, with the exception of the internally illuminated pole, the signage would not have an unacceptable impact on amenity having regard to the impact on the character and appearance of the Conservation Area.

Public Safety:
The highways officer has commented on the application as outlined in full above.

It is noted that the red and blue barbers pole is fixed at 2.3m above the footway, the minimum distance from the footway to the base of the pole must be 2.4m and therefore to be acceptable this must be relocated higher. As the application is made retrospectively it must be determined as submitted. It is further noted that the A board is located within the public highway on the footway and will cause an obstruction and a public safety hazard and therefore this must be removed from the application (if approved). From a public safety perspective the hanging sign is acceptable although an Oversailing Licence will be required from highways in addition to any advertisement consent. The window vinyls and fascia lettering is acceptable from a highways/public safety perspective.

It is concluded that the hanging sign, fascia sign and vinyls would not have a harmful impact on public safety. However due to the height of the barber's pole above the pavement and the obstruction of the pavement to pedestrians, particularly relevant for those with reduced sight or requiring mobility aids, these components would be harmful to public safety.

CONCLUSION
The advertisement regulations allow for a split decision to be made. Whilst the externally illuminated fascia lettering, hanging sign and vinyls would not cause harm to amenity or public safety, the internally illuminated barbers pole is considered to be unacceptable in terms of amenity having regard to the location of the site within the Conservation Area and in terms of public safety due to its height. The A board which is included within the application is also unacceptable since it is on the public highway and causes an obstruction to users of the footway.

The recommendation is therefore that the following signage can be are approved:

Hanging sign
Window vinyls
Non illuminated fascia lettering with external light

Refusal is recommended on the following signage:
Red and blue pole shop sign
'A' board

Conditions: (4)

1 In pursuance of their powers under the Regulations, the Local Planning Authority hereby GRANT advertisement consent for the advertisement(s) identified as signs A (Fascia Sign), B (Price List), C (Window Panel) and D (Hanging Wall Sign) on the submitted drawing received by the Local Planning Authority on 27th July 2023 subject to compliance with the conditions specified hereunder. However it REFUSES to grant advertisement consent for the advertisement(s) identified as signs E (Barbers Pole) and F (Pavement Sign) on the submitted drawing received by the Local Planning Authority on 27th July 2023.

2 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.

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.

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.
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.
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: To comply with Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3 This consent shall expire at the end of the period of [5] years from the date of this Notice.

REASON: To comply with Regulations 14 (7) and (8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4 The externally illuminated fascia advertisement hereby permitted shall only be illuminated during the opening hours of the premises between 9 am and 7 pm on any day.

REASON: In the interests of amenity.

Refusal Reason(s): (1)

1 REASON: The display of the advertisement(s) for which consent has been refused would seriously detract from visual amenity and/or public safety as follows:

The internally illuminated barbers pole and A board, by reason of their positioning and appearance, would be harmful to public safety having regard to users of the footway and detract from the appearance of this building and the visual amenity of the Conservation Area, contrary to Core policy 57 and the requirements of the Control of Advertisements (England).