DELEGATED REPORT

Application Reference:	PL/2022/04458
Application Type:	Consent to display an advertisement
Site Address:	Tesco, Beversbrook Road, Calne, SN11 9FQ
Proposal:	Retrospective application to install 1 x 42" LCD media screen size- 860(W) x 2160(H)mm, screen size- 530(W) x 930(H)mm and No.3 x 1250mm x 700mm flag pole signs, overall 3350mm in height.
Recommendation:	That Advertisement Consent is GRANTED with Conditions

PROPOSAL

This application seeks retrospective advertisement consent for the installation of signage relating to EV charging facilities located on the southeastern area of the Tesco store parking lot in Calne. The signage for which consent is sought consists of:

LCD Media screen to EV charging unit:

- Digital advertising screen,
- The unit is to be positioned on one of the parking bays.
- Screen size – 42' measuring 530mm (w) and 930mm (h)
- The charging unit will measure 860mm on the base width, 2160mm in total height
- Screen Brightness- 2,500 nit , full HD 1080p resolution

Pole mounted signs (no.3):

- 3 non-illuminated signs
- Consists of white lettering saying 'Electric Charging Only' on a blue background on front side.
- Consists of white photo of car on blue background on back side.
- The sign is positioned across the 4 parking areas reserved for electric car parking.
- The sign is to measure 700mm in width and 1250mm in length and a total of 3350mm in total height

The advertisement signs are intended for purposes associated with Tesco at Calne.

During the life of the application, revised plans were submitted so as to correct discrepancies between the height of the pole mounted signage stated on the application form and that shown on the originally submitted plans.

DESCRIPTION/CONTEXT

Tesco retail store is situated on the northern edge of Calne just south of the Beversbrook Roundabout and sandwiched between A3102 and Oxford Road. The site comprises of a large, detached building which hosts Tesco store and flanked to the south and west by parking area.

The building is located within the Countryside Character Area of Avon Vale, however, the site is not covered by any ecological designations.

RELEVANT PLANNING HISTORY

PL/2021/06777	1x Fascia Sign and 1x Gantry Sign.	Approved
N/12/02137/FUL	Erection of Class A1 Retail Food store, petrol station, car park, landscaping, and highway facility works.	Approved

POLICIES

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

Calne Neighbourhood Plan:
Policy BE2: Design Principles for Local Distinctiveness

Wiltshire Core Strategy Policies 2015 (WCS):

Core Policy 57: Ensuring High Quality Design and Place Shaping

National Planning Policy Framework 2023 (NPPF)

ISSUES

The main considerations which are material to the determination of this application are listed below:

- Principle
- Amenity
- Public safety

CONSULTATION

Calne Town Council: No objection, although express disappointment that the development has already been carried out.

Highways Officer: No objection:

> *refer to the amended application details received in respect of the above planning application regarding the retrospective permission for a LCD Media screen and flag pole signs at the Tesco Superstore, associated with the electric vehicle charging bays.*
>
> *The description of the application has been amended, as above, to include the provision of 3no. flag pole signs with an increased height to those previously advised.*
>
> *These signs are within the store car parking area, and indicate the location, and use, of the electric vehicle charging bays.*
>
> *On the basis that the proposal promotes and facilitates the use of electric vehicles, and is in line with current policies/requirements, I would raise no highway objections to the proposals.*

REPRESENTATIONS

No comments received.

ASSESSMENT

Principle

The site is situated within an existing and built commercial site that currently serves a Tesco store. Fundamental to the determination of applications for advertisement consent, is that they may only be controlled regarding two material considerations, namely “amenity” and “public safety” (sec. 220 of the 1990 Act). There is no lawful category of “other material considerations” in addition to the interests of amenity and public safety that can be taken into consideration when determining applications for advertisement consent under the regulations.

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest and, in England since the 2007 Regulations came into force, include rural amenity, so that noise generated by an advert can be considered. These matters are addressed further below.

Amenity

The advertisement’s position within a well-established and busy parking lot to a commercial retail store (Tesco), with a number and wide variety of existing signage (including illuminated signage), well-defined boundaries and separation from surrounding development (Indeed, the nearest adjoining land uses also being commercial, at Porte Marsh Industrial estate). The nearest residential properties along Oxford Road are some distance away. For these reasons, the erection of more signage within the car park is not considered to unacceptable harm the amenities of the locality and cause no unacceptable impact upon the amenities and living conditions of any residential occupiers.

Accordingly, the proposed advertisements are considered to comply with the requirements of policy CP57 of the Wiltshire Core Strategy.

Public safety

Factors relevant to public safety are stated to include the safety of persons using any highway; whether the display of the advertisement in question will likely obstruct or impair sightlines at a junction; those which would hinder the ready interpretation of any traffic sign; those that require lose study; and those which resemble traffic signs.

The proposal area is not positioned within a prominent location and situated within the store car parking area for the use of electric vehicle charging bays. The Council's highways officer has raised no objections. In light of this, there are no concerns in relation to highway or public safety.

In consideration of the above, it is concluded that the signage does not adversely impact on amenity or highway safety and that it accords with the development plan. Accordingly, the application for advert consent is recommended for conditional approval.

Other matters

The submitted plans appear to show the erection of EV charging units. Consent is sought for the erection of advertisements only, and the grant of any such consent would not grant or imply agreement to any such units. The applicants will need to satisfy themselves that separate permission is not required for those EV charging unts and an informative added to the decision notice to that effect.

CONCLUSION

The application is recommended for approval in accordance with Policies CP57 of the Wiltshire Core Strategy, and Paragraph 12 of the National Planning Policy Framework.

RECOMMENDATION: That Advertisement Consent be GRANTED subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Part Plan- Revised: DWG No. 02_4445_02C_R2; Received 20 October 2023
Proposed Site Plan- Revised: DWG No. 02_4445_02B_R2; Received 20 October 2023
Flag Post Detail Plan: Received 11 September 2023
Media Charger with Screen Details: Received 11 September 2023
Datasheet Media Charger: DWG No. PP-D-190066-1; Received 11 September 2023
Location Plan: DWG No. 01_4445_01A; Received 9 June 2023
Existing Site Plan: DWG No. 02_4445_02A; Received 9 June 2023
Revised Application Form: Received 18 October 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

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 The illumination of the advertisement(s) shall be implemented in a way which ensures that no source of light is directly visible from the public highway.

REASON: In the interests of public safety.

INFORMATIVES:

4 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.

5 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

6 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

7 The submitted plans show the erection of EV charging units at the site for which planning permission may be separately required. The grant of this Advertisement Consent does not also grant, or in any way imply agreement to the erection of any such EV charging units. The applicant will need to satisfy themselves that separate permission is not required for those EV charging unts.