

Allerdale Borough Council

Planning Application ADV/2021/0012

Development Panel Report

Reference Number: ADV/2021/0012
Valid Date: 01/12/2021
Location: Public Toilet Block at West Green, Main Road,
Allonby, Maryport, CA15 6PE
Applicant: Allerdale Brough Council
Proposal: 1 x LED sign and 1 x solar panel showing bathing
water quality

RECOMMENDATION

GRANT

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Principle of Development	Although internally illuminated LED signage would not normally be acceptable within a Conservation Area/ AONB, it is considered that given the signage concerns public safety there is a clear and convincing public benefit to the proposal that will outweigh any harm caused to the asset(s) & the public benefits of a proposal outweighs and justifies any harm.

2. Proposal

2.1. The proposed works seek advertisement consent for the relocation of the existing LED signage, with the associated solar panel, that is sited upon the West Green public toilet block (sited approx 308m to the South of the site), to the public toilet block which is directly adjacent to the playpark within Allonby. The proposed works do not seek any additional signage above and beyond the present arrangement that is upon the West Green toilet block, which is to be removed as part of the proposed works.

2.2. The Plans for consideration are:-

Technical Specification - Signage

Location Plan
Solar Bracket Assembly
Block Plan
Proposed Drawings and Measurements
Solar panel - additional information received 11/01/21

The particulars are available to view via the following link:-
<https://allerdalebc.force.com/pr/s/planning-application/a3X3X00000B9E7rUAF/adv20210012?tabset-e3f5c=2>

3. Site

- 3.1. The site comprises of a public toilet block, with the playpark sited directly to the East. The Western elevation of the public toilet block fronts on to Allonby coast.
- 3.2. The site falls within Allonby Conservation Area, within an Area of Outstanding Natural Beauty and the setting of Hadrian's Wall.
- 3.3. The signage will be removed from the public toilet block, sited 308m South of the site and relocated upon this building and will not introduce new signage to area beyond the existing signage.

4. Relevant Planning History

- 4.1. 2/2017/0040 - West Green, Allonby - 1 x electronic matrix sign and associated solar panel – Granted with conditions
- 4.2. 2/1981/0668 - Public Conveniences At East Sea Bank - Approved with Conditions

5. Representations

Parish Council

- 5.1. Allonby Parish Council – No response to date.

Cumbria Highway / LLFA

- 5.2. No response to date.

Other responses

- 5.3. The proposed works have been advertised by way of a site notice and within the press (as a departure), there has been no resulting correspondence to date.

6. Duties

- 6.1. For Listed Building settings:
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2. For Conservation areas:
Section 72(1) of the Listed Buildings Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7. Development Plan Policies

7.1. Allerdale Local Plan (Part 1)

Policy S1 Presumption in Favour of Development
Policy S2 Sustainable Development
Policy S4 Design Principles
Policy S5 Design Principles
Policy DM11 Advertisements
Policy DM14 Standards of Good Design
Policy DM15 Extensions and Alterations to Existing Buildings and Properties
Policy S32 - Safeguarding amenity
Policy S27 – Heritage Assets
Policy S34 – Development in the Solway Coast Area of Outstanding Natural Beauty

8. Other material considerations

8.1. National Planning Policy Framework (NPPF) (2021)

9. Policy weighting

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan (Part 1) 2014 and the Allerdale Borough Local Plan (Part 2) 2020 policies have primacy.

10. Assessment:

Principle of development

- 10.1. The site falls within Allonby Conservation Area, the Setting of Hadrian's Wall and an AONB. The site comprises of a public toilet block, sited directly to the West of Allonby play park. The proposed works will seek to remove the existing signage upon the public toilet block, upon West Green, sited approx 308m South of the site and seeks to relocate the signage upon the public toilet block which is sited directly adjacent to the play park. The proposal does not seek to provide any additional signage beyond the existing signage that has already established within the locality.
- 10.2. The proposed LED signage is to be located upon the Eastern elevation of the public toilet block, which elevation fronts directly onto the play park. The purpose of the signage is to inform the public of the bathing water quality of the coastal waters at the beach. As this is variable, the signage details are not fixed but need to be flexible under its LED text to respond to differing conditions. The solar panel associated with the LED sign is to be located upon the Western roof plane, fronting onto the coast. The additional signage that is shown upon the layout plan will be relocated utilising Permitted Development rights - ***Schedule 1, Class A of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007*** and these elements are not subject to advertisement consent.

Heritage Impacts

- 10.3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 10.4. Section 72(1) of the Listed Buildings Act 1990 states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.5. The council therefore has a duty to have a special regard on developments which may affect the character or setting of the listed building or the Conservation Area.
- 10.6. Policy S4, S5, S32 and DM14 of the Local Plan seeks new development to respond positively to the character and distinctiveness of the area whilst ensuring suitable standards of amenity are retained for existing residential properties. Policy DM15 seeks a high standard of design for proposals that involve the alteration and/or extension of existing buildings.

- 10.7. Policy S27 of the Allerdale Local Plan seeks to safeguard, conserve and enhance heritage assets in safeguarding their significance and historic value.
- 10.8. Although internal illumination LED signage would normally be unacceptable within a Conservation Area/ AONB under the criteria of DM11, the health and safety function of the sign is essential in this instance, but would constitute a departure to the adopted local plan policy. It is considered that given the proportions of the signage and concerns public safety, there is a clear and convincing public benefit to the proposal that will outweigh any harm caused to the asset(s) & the public benefits of the advertisement outweighs and justifies any harm.
- 10.9. Furthermore given the proposed advertisements are already sited in the locality and do not introduce any additional signage over and above the existing signage, officers do not consider the proposed works would create any increased detrimental harm (given the nature of the works) to any adjacent Heritage Assets or the AONB. Furthermore there is a clear justification for the proposed works. It is noted that on its individual merits the advertisements would not set a precedent to allow illuminated signage within a Conservation Area.

11. Conclusions

- 11.1. Officers concluded that albeit; LED signage would not normally be acceptable within a Conservation Area/ AONB, the signage has already been established within the locality and will not provide any additional signage over and above the existing signage to the South of the site. Furthermore taking into consideration the proportions of the signage and given that it concerns public safety, there is a clear and convincing public benefit to the proposal, which will outweigh any harm caused to the asset(s) & the public benefits of a proposal outweighs and justifies any harm.

12. RECOMMENDATION

GRANT

Annex 1

CONDITIONS

Time Limit:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.** Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990.

In Accordance:

- 2. The development hereby permitted shall be carried out solely in accordance with the following plans:**

Technical Specification - Signage
Location Plan
Solar Bracket Assembly
Block Plan
Proposed Drawings and Measurements
Solar panel - additional information received 11/01/21

Reason: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

Other:

- 3. 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 order to comply with the provisions of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of public safety.

- 4. 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 order to comply with the provisions of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of public safety

5. **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 order to comply with the provisions of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of public safety.

6. **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 order to comply with the provisions of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of public safety and visual amenity.

