

<b>Application Number:</b>	2016/0123	<b>Application Type:</b>	Other
<b>Proposal:</b>	Installation of 4 No. new illuminated fascia signs and 53 No. other signs.	<b>Location:</b>	Asda Stores Ltd., Holly Mount Way, Rawtenstall, BB4 8EL.
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	04.10.2016
<b>Applicant:</b>	Asda Stores Ltd., Holly Mount Way, Rawtenstall, BB4 8EL.	<b>Determination Expiry Date:</b>	07.10.2016
<b>Agent:</b>	Mrs Liz Bown		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	7 objection letters were received relating to the original scheme which included illuminated elements, all of these letters objecting to the proposed illuminated elements. None of these objections have been withdrawn in writing following amendment of the scheme to remove the illuminated elements and RBC Legal has advised that the original objections still stand.
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That the Committee grant advertising consent for the reasons set out in Section 9.

## 2. **SITE**

This application concerns the Asda supermarket on the corner of St Mary's Way dual carriageway (the A4682) and Holly Mount Way in Rawtenstall Town Centre. The plot comprises of a large supermarket building with associated ground and first floor deck access parking to the south and west. An enclosed service yard with separate access to St Mary's Way is located to the north. The main building includes a large 'turret' element at its southern end adjacent to St Mary's Way.

The plot is adjacent to but not within Rawtenstall Town Centre Conservation Area which is immediately to the south and east of the site. The site is within the setting of several listed buildings including the Grade II listed Holly Mount and St Mary's Church, both to the south of the site. The site appears to have at least been partly built into a hillside rising to the north/north-west with Holly Mount climbing to the north west before providing access to the supermarket's upper level car park, and a wooded bank rising approximately 10m to the north of upper level car park, towards the rear boundaries of properties to the north on Haslingden Old Road. The site is bound by commercial properties to the east on the opposite side of St Mary's Way, St Mary's Church to the south, a contemporary residential estate including Holly Mount on raised ground to the south-west, and the above mentioned higher level residential properties to the north on Haslingden Old Road.

## 3. **RELEVANT PLANNING HISTORY**

2008/0018: Erection of 2 no. internally illuminated signs. Approved 11 March 2008

2009/0134: Formation of enclosed entrance lobby. Approved 1 June 2009.

2011/0308: New roof edge protection / hand rail to 2 no. elevations (retrospective). Approved 15 August 2011.

2011/0402: Installation of height restrictor barriers, fixed barriers and bollards. Approved 29 September 2011.

2011/0519: Siting of 1 no non illuminated fascia sign. Approved 7 December 2011.

2012/0105: Installation of free standing banner sign at entrance to the ground floor car park. Approved 2 July 2012.

## 4. **PROPOSAL**

The applicant seeks advertisement consent for 4 fascia signs and 53 other signs. None of these signs would be illuminated.

The proposed scheme would comprise of the following:

1. A fascia sign (the ASDA 'spark') affixed above the top left of the current west facing main entrance sign overlooking the first floor parking deck (located at point 'A' on the submitted plans). This would be 2.2m high, 2.38m wide and 0.13m deep. Its base would be 4.9m above the ground level of the upper parking deck. This sign would be constructed from vinyl, acrylic and aluminium.
2. A fascia sign ('spark') affixed above the top left corner of the current first floor parking deck elevation overlooking the junction of St Mary's Way and Holly Mount (located at point 'B' on the submitted plans). This would be 1.05m high, 1.17m wide and 0.13m

deep. Its base would be 7.8m above ground level. This sign would be constructed from acrylic and aluminium.

3. A fascia sign ('spark') affixed above the top left corner of the current first floor deck elevation overlooking Holly Bank (located at point 'C' on the submitted plans). This would be 1.1m high, 1.2m wide and 0.13m deep. Its base would be 6.16m above ground level. This sign would be constructed from acrylic and aluminium.
4. A fascia sign including a 'spark' which would replace the current sign in place above the first floor window of the turret element overlooking St Mary's Way (located at point 'D' on the submitted plans). This would be 2.1m high and 4.65m wide. Its base would be 12.7m above ground level. This sign would be constructed from vinyl, acrylic and aluminium.
5. A fascia sign including a 'spark' which would replace the current sign in place overlooking St Mary's Way adjacent to the first floor staff locker room (located at point 'E' on the submitted plans). This would be 2.1m high and 4.5m wide. Its base would be 8.7m above ground level. This sign would be constructed from vinyl, acrylic and aluminium.
6. A fascia sign including a 'spark' which would replace the current sign in place facing north and overlooking the internal service yard (located at point 'F' on the submitted plans). This would be 2.84m high and 6m wide. Its base would be 8.9m above ground level. This sign would be constructed from vinyl, acrylic and aluminium.
7. 8 vinyl fascia signs which would replace the current signs in place below the first floor windows of the turret element overlooking St Mary's way (located at point 'G' on the submitted plans). These signs would be displayed in a row with each sign 1.75m high and 1.55m wide. Their base would be 4.1m above ground level.
8. 10 vinyl fascia signs which would be affixed in a row to the west facing windows overlooking the upper level car park (located at point 'H' on the submitted plans). Each sign would be 2.2m wide and 1.2m wide. Their base would be 2.5m above the car park deck.
9. Re-clad the existing totem at the junction of St Mary's Way and Holly Bank (located at point 1 on the submitted plans). This would be 2.7m high, 2.7m wide and its base would be 2.3m above ground level. It would be constructed from acrylic and aluminium.
10. A replacement totem at the upper deck car park entrance adjacent to Holly Mount (located at point 5 on the submitted plans). This would be 1.39m high and 1.1m wide. Its base would be 2.1m above ground level. It would be constructed from aluminium with a vinyl overlay.

The applicant also proposes to erect the following signs which would benefit from Class 2 (A) deemed consent (directional signs) under the Town and Country Planning (Control of Advertisements) Regulations 2007 and therefore would not require an express grant of advertisement consent. This comprises of the proposed signs 6, 8, 9, 10, 11, 13, 14, 16, 17, 18 and 19.

The applicant proposes to install several ground advertisements within the enclosed ground floor car park which are excluded from direct control and which therefore will not be considered further in this assessment; the proposed adverts located at points 'I', 'J', 'K', 2, 3 and 4 on the submitted plans.

**Amendments:** Several of these signs were originally proposed as illuminated however following receipt of several neighbour letters of objection and the Conservation Officer's objection, both objecting to the illumination, the applicant has now amended their scheme to remove the proposed illuminations.

## 5. POLICY CONTEXT

### National Planning Policy Framework

Section 1: Building a Strong Competitive Economy;  
Section 7: Requiring Good Design;  
Section 12: Conserving and Enhancing the Historic Environment.

### Development Plan

#### RBC Core Strategy (2011)

Policy 1: General Development Locations and Principles;  
Policy 16: Preserving and Enhancing Rossendale's Built Environment;  
Policy 23: Promoting High Quality Designed Spaces;  
Policy 24: Planning Application Requirements.

### Other Policy Considerations

T&CP (Control of Advertisements) (England) Regulations 2007.

## 6. CONSULTATION RESPONSES

### RBC Conservation Officer

No objection to amended proposed non-illuminated adverts.

### Rossendale Civic Trust

Concerns raised in relation to the following:

- sunburst should not be allowed to protrude over the car park balustrade
- A smaller format of this should be adopted, fitting the parapet, and this could be repeated on the same level further along the eastern façade
- The same size and proportion of logo should also be used on the northern, goods delivery bay, which intrudes so much into the more sensitive environment of the Conservation Area.
- This sign, as existing, was probably designed to be seen from the bold, modern viewpoint of the traffic laden by-pass, but instead backfires badly in the vernacular context of Haslingden Old Road. A smaller sign, more orientated to the end towards the by-pass, (and continuing the horizontal of the adverts on the east facade) would be far more respectful.

### LCC (Highways)

No objection subject to a confirmation of further information regarding proposed levels of illumination.

No illumination is now proposed.

### Highways England

No objection.

## 7. NOTIFICATION RESPONSES

25 neighbour letters were issued and a site notice was displayed.

7 letters have been received, all of which object to the originally proposed illuminated spark element above the rear facing ASDA sign over the main entrance from the upper deck car park; 'Sign A' on the submitted plans. These letters object on the grounds that allowing an illuminated sign at this point would result in an unacceptable amenity impact on the residential properties to the rear along Haslingden Old Road.

As noted above the proposed scheme has been amended to remove all of the proposed illuminated elements. Neighbours have been re-consulted with reference to the amended plans and no new letters of objection have been received.

## **8. ASSESSMENT**

The main considerations of the application are: 1) Amenity and 2) Public Safety having regard to the cumulative impacts of the proposed advertisements.

### **Amenity**

The National Planning Policy Framework (paragraph 67) states: *“Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment.”*

The proposed signage would not result in the visual cluttering, and it is considered appropriate to the site type and context.

The signs are appropriately designed and sized, and their proposed colours/materials would not appear incongruous, with many of these not being readily visible within the street scene.

Whilst it is accepted that the application site is visible from the Rawtenstall Town Centre Conservation Area and 2 No. Grade II Listed Buildings, it is noted that the LPA’s Conservation Officer has not raised any objections with reference to the amended scheme’s impact on these heritage assets.

As such it is concluded that the proposed adverts would have an acceptable amenity impact, including with reference to their impact on the adjacent Listed Buildings and Rawtenstall Town Centre Conservation Area. The proposal is now compliant with Policies 16 and 23 of the Rossendale Core Strategy and the Framework.

### **Public Safety**

There is no reason to consider that the proposed non-illuminated signs would pose a risk to public safety or cause distraction to motorists, and there has been no objection from the Highway Authority (Lancashire County Council) or Highways England.

As such, the proposed scheme is considered acceptable in terms of public safety and complaint with the Rossendale Core Strategy and the Framework.

## **9. SUMMARY REASON FOR APPROVAL**

The signage for which consent is sought will not unduly affect amenity and public safety. The proposal accords with the National Planning Policy Framework and Policies 1, 16, 23 and 24 of the Rossendale Borough Council adopted Core Strategy DPD (2011).

## 10. **RECOMMENDATION**

That advertisement consent be granted subject to conditions.

### **STANDARD CONDITIONS**

1. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity.*

2. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity.*

3. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity.*

4. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity.*

5. 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 accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and for the purposes of amenity.*

### **Additional Conditions**

The development shall be carried out in strict accordance with the following:

- South East Elevation (1 of 1) – PL-04-08 – 15 August 2016
- North Elevation (1 of 2) – PL-04-06 – 15 August 2016
- North Elevation (2 of 2) – PL-04-07 – 15 August 2016

- East Elevation (1 of 2) – PL-04-04 – 15 August 2016
- East Elevation (2 of 2) – PL-04-05 – 15 August 2016
- West Elevation - PL-04-03 – 15 August 2016
- South Elevation (1 of 2) – PL-04-01 – 15 August 2016
- South Elevation (2 of 2) – PL-04-02 – 15 August 2016
- Proposed Elevations – PL-03 – 15 August

*Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*