

Committee Report**Date: 04.09.2024**

Item Number	02
Application Number	24/00429/ADV
Proposal	Advertisement consent for double sided roof mounted signage
Location	Layby Adjacent Preston Lancaster Road (A6) And Fowler Hill Lane Cabus Lancashire PR3 1AW
Applicant	Ms Karen Brooks
Correspondence Address	c/o Mrs Sarah Pope Office A Bradley Hill Farm Claughton On Brock Preston PR3 0GA
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mrs Hannah Hale****1.0 INTRODUCTION**

- 1.1 This application is before Members at the request of Councillor Lady Atkins citing concerns that the advertisement is inappropriate and intrusive to the area. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application site relates to a layby café located west of the A6 at Cabus. The café is a shipping container finished with composite timber wood panelling and window hatches, serving hot and cold refreshments. It is sited opposite the junction with Fowler Hill Lane, and it is in the designated countryside area.

3.0 THE PROPOSAL

- 3.1 The application seeks advertisement consent for two, double sided, non-illuminated roof mounted signs to be erected atop the 2.59m high shipping container which is used as a café (the retention of which is currently under consideration - application reference 24/00428/FUL). The signs will be located at either end of the shipping container and would be 1m high and 2m wide with a depth of 0.06m.

4.0 RELEVANT PLANNING HISTORY

- 4.1 18/00339/FUL - Permanent siting of shipping container for use as rest stop café - Refused

- 4.2 19/00286/FUL - Permanent siting of a shipping container to be used as a rest stop cafe (resubmission of planning application 18/00339/FUL) - Approved
- 4.3 19/00286/DIS - Discharge of conditions 03 (materials), 05 (ventilation details) and 07 (outdoor seating) on application 19/00286/FUL - Accepted
- 4.4 21/00379/FUL - Permanent siting of a shipping container to be used as a rest stop cafe (resubmission of planning application 18/00339/FUL) (pursuant to variation of condition 4 (operating hours) on permission ref. 19/00286/FUL) - Approved (an appeal was allowed on this permission allowing operating hours until 22:00 daily)
- 4.5 24/00428/FUL - Proposed permanent siting of a shipping container for use as a rest stop café - Pending consideration

5.0 RELEVANT LEGISLATION AND PLANNING POLICY

- 5.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is relevant. This legislation sets out how applications for advertisement consent are to be handled and determined.
- 5.2 National Planning Policy Framework (NPPF) - The NPPF sets out a presumption in favour of sustainable development. Good design is a key aspect of sustainable development. The NPPF sets out a number of planning policies concerned with achieving well-designed places including providing a high standard of amenity. Paragraph 141 notes that poorly sited and designed advertisements can cause the quality and character of places to suffer. It further notes that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 5.3 National Planning Practice Guidance (NPPG) - includes guidance on advertisements, design and light pollution.
- 5.4 Adopted Wyre Borough Local Plan 2011-2031 (WLP31)
 - CDMP3- Design
 - EP14- Outdoor Advertisements and Directional Signs

6.0 CONSULTATION RESPONSES

- 6.1 CABUS PARISH COUNCIL
 - 6.1.1 No response received.
- 6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)
 - 6.2.1 Objects to the application - The application suggests that permission has been granted to advertise however LCC Highways have not given any such permission and would be unlikely to do so as it contradicts the relevant County Council Code of Practice. Should planning permission be granted, a condition is recommended that no advertisement is displayed without the permission of the owner of the site.

7.0 REPRESENTATIONS

7.1 None received

8.0 CONTACT WITH APPLICANT/AGENT

8.1 An extension of time was agreed.

9.0 ISSUES

9.1 The issues that can be controlled with regard to advertisements are visual amenity and public safety, in accordance with National Planning Policy Framework (NPPF).

Visual Amenity

9.2 Although projecting 1m higher than the container on which they will be placed, the advertisements are not considered to appear overbearing or excessive in size. They appropriately advertise the facilities and are non-illuminated so there is no visual intrusion from light. Whilst the site is rural and isolated from other built form, it is well screened from the main road behind trees and shrubs and is not a dominant feature of the wider area. Overall, it is considered that the signs are of suitable scale and height in relation to the use and there is no impact on neighbouring amenity due to its location away from any residential dwellings, therefore it is acceptable on these terms.

Public Safety

9.3 Although the signs are sited within an A6 layby, the café is not widely visible from the A6 due to the existing trees and shrubs separating the layby and the road. The signs are to be modest in size and will cause no further distraction to road users than what already exists from the structure. The signs are not illuminated so will cause no highway safety issues. The container is within LCC Highway land and LCC have commented that they have not given any permission for advertisements and would be unlikely to do so as it contradicts the relevant County Council Code of Practice. However, no comments or objections have been received in respect of highway safety. As such, for the purposes of this application, the advertisements are deemed to be acceptable, but the applicant is advised not to display the advertisements before consent has been sought from the land owner (the highway authority). This can be added as an informative. Overall, it is considered that the signs are acceptable from a public safety perspective.

10.0 CONCLUSION

10.1 The signs are proportionate in size and are not out of keeping with site. They are non-illuminated so do not cause a distraction to road users. The proposal would therefore comply with NPPF and Adopted Local Plan Policies CDMP3 and EP14 and the signs are deemed to be acceptable.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Approve advertisement consent subject to conditions

Recommendation: Permit

Conditions: -

1. 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.
- 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.
- 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.
- 4) Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 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: Imposed by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The signage hereby approved shall be removed from the site no later than 04.09.2029 unless a further express consent for the display of such an advertisement is obtained from the Local Planning Authority.

Reason: The Council wishes to control the display of advertisements in this instance in the interests of preserving the appearance and character of the area in accordance with the provisions of Policy CDMP3 of the Adopted Wyre Borough Local Plan.

3. The advertisement(s) shall be displayed, except where modified by the conditions to this consent, in accordance with the Application for Advertisement Consent received by the Local Planning Authority on 28.05.2024 including the following plans/documents:
 - Site Location Plan: plan reference SP/KB/4218
 - Site Plan: plan reference SP/KB/4219

- Existing and Proposed Plans and Elevations: plan reference SP/KB/4220

The advertisement(s) shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

Reasons: -

Notes: -

1. No advertisement should be displayed without the permission of the owner of the site, including the highway authority, if the sign is to be placed on highway land.