

MANSFIELD DC - LOCAL PLAN INQUIRY - INSPECTOR'S MAIN MATTERS

OBJECTOR – BRITISH SIGN AND GRAPHICS ASSOCIATION (CONSULTEE PD/2)

MAIN MATTER 3 – QUESTION 7 – POLICY P8 AND COUNCIL PROPOSED MODIFICATIONS M26, M27 & M28

These further representations are submitted on behalf of the British Sign and Graphics Association (BSGA) in response to the Council's proposed Modifications to the Local Plan Publication Draft and the Inspector's list of MIQs.

The Council's proposed Modifications M26, M27 and M28 are clearly proposed as a response to our objections to earlier drafts of this Local Plan.

For the avoidance of doubt, we support proposed Modifications M27 and M28.

Proposed Modification M26 is not acceptable for two main reasons.

First, the proposed alterations to P8(2) and (3) are repetitious, incorrect and unclear. The proposed wording does not follow the provisions of the law in the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires, in section 72, that:

“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

In respect of listed buildings, section 16 of the same Act requires:

“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

In their proposed Modification M26, the Council attempt to conflate listed buildings and conservation areas into the general term “heritage assets”. The following text makes various references to “area”, “building”, “heritage asset”, “listed building”, “surrounding area” etc in no particular order or relevance to the requirements of the legislation. We agree that, as suggested by the Council, Part 3 of Policy P8 be deleted. We suggest that Part 2 should read:

“2 (a) In all proposals involving changes to, or new, shopfront signage, the proposed advertisement should be appropriate in size, scale and illumination to the building on which it is set and the surrounding area

2(b) Additionally, where proposals affect conservation areas, changes to shop fronts and signage will not be permitted if they fail to contribute to the preservation or enhancement of the area's character or appearance.

2(c) Where any changes are proposed to listed buildings, such works or signage should contribute to the preservation of the building (including particularly any special features of architectural or historic interest) and its setting.

We continue to maintain that proposed Modification 26 (in relation to Policy P8(2)(c)) is unlawful and contrary to Government Guidance. The suggested text is that, "Internally lit box signs will not normally be appropriate unless clearly justified". This equates to an assessment of "need" (or how else is a sign to be "justified"?). This is not permitted by the Regulations, as confirmed in paragraph ID 18b-026-20140306 of the PPG, for obvious reasons – how can a LPA assess any suggested justification? This criterion is not within the powers in the Regulations and should be deleted from the Policy. Even on "amenity" grounds, such a generalised policy cannot be acceptable. It effectively pre-judges proposals with a presumption against. Our full amenity reasoning was set out in our objection letter of 20 September 2019 and we rely on this. Policy P8(2)(c) (as in Proposed Modification M26) should be deleted.

Chris Thomas
for British Sign & Graphics Association