

**Recommendation Report for Consent to Display an Advertisement(s)**

**REF NO:** AW/215/14/A

**LOCATION:** Ship Inn  
Aldwick Street  
Bognor Regis

**PROPOSAL:** 2No. internally illuminated fascia signs to front and west side elevations, 1No. externally illuminated fascia sign to east side elevation and 1No. externally illuminated projecting sign to front elevation.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

The application now relates to 4 signs and not the 6 signs as originally submitted. Signs 3 and 6 from the original proposal have been withdrawn. Therefore the remaining signs are:-

- Sign 1:- On west elevation giving the name of store and "M local" branding. This will have internally illuminated letters;
- Sign 2:- On elevation fronting road. Externally illuminated hanging sign to replace the existing hanging sign - albeit in a different position further to the west;
- Sign 4:- On elevation fronting road showing Morrison's M local in internally illuminated letters. This sign would be on the proposed extension; and
- Sign 5:- On the extended elevation to the car park. Fascia sign externally illuminated by trough lights.

In addition, the three existing "Ship Inn Pub & Dining" 'signs' are being retained albeit with the omission of the "Pub & Dining" lettering.

**SITE AREA**

N/A.

**RESIDENTIAL DEVELOPMENT DENSITY**

N/A.

**TOPOGRAPHY**

Predominantly flat.

**TREES**

None affected by the proposed development.

**BOUNDARY TREATMENT**

The boundaries are as follows:

Rear - close boarded fencing + trellis approximately 2.2m high;  
Western side - close boarded fencing

approximately 1.8m high;  
Eastern side - the flint flank wall of the adjacent property; and  
Front - open to Aldwick Street.

**SITE CHARACTERISTICS**

The site comprises a two storey public house building with rendered walls and a red tiled roof. The building has a wide frontage onto Aldwick Street and a car park on the eastern side. There is a fenced off drainage ditch/stream running along part of the rear boundary and also several trees one of which (at the far western end) is protected. The public house is currently unoccupied and closed to the public. To the rear of the pub, there is a decked area and a small rear yard.

It should be noted that the submitted plans show that the public house benefitted from four illuminated signs - the hanging sign and three signs stating "The Ship Inn Pub & Dining" which were externally illuminated. These signs (with the exception of the hanging sign and the Pub & Dining lettering) are proposed to be retained.

**CHARACTER OF LOCALITY**

The Ship Inn is located on a main road comprising a mix of commercial and residential properties. There is a parade of shops with flats above on the opposite side and residential properties on either side of the site. There are further residential dwellings to the rear on Chawkmare Coppice.

**RELEVANT SITE HISTORY**

|               |                                                                                                                                                                                                                                                                                      |                                    |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| AW/211/14/PL  | Change of use from Public House (Class A4 Drinking Establishment) to a Food Shop (Class A1 Retail), including the erection of a 39 sqm extension, an external freezer store, resurfacing and reconfiguration of the car park, installation of an ATM and all other associated works. | ApproveConditionally<br>17-12-2014 |
| BR/147/55     | Alterations and additions                                                                                                                                                                                                                                                            | Approve<br>08-08-1955              |
| BR/355/69/ADV | Display of illuminated red barrel                                                                                                                                                                                                                                                    | Apprvd/Cond ADV<br>13-08-1969      |

None.

## REPRESENTATIONS

### Representations received:

Aldwick Parish Council: Strongly object on the grounds that signs were not in keeping in size or number with the building or surroundings.

399 letters of objection. The concerns are as follows:

- \* Ugly nature of signage will be obtrusive at night/out of place in Aldwick Village/nuisance to people living nearby/light pollution;
- \* More suited to retail park or High Street;
- \* Impact on historic building;
- \* Signs should be restricted to front not sides;
- \* Size and location of signs should be no bigger than existing;
- \* Condition should be considered preventing illumination after 20:00 and not until 10:00;
- \* Aldwick village is designated as of "special character" in Local Plan;
- \* Proposed signage replaces traditional pub signage - will set a precedent;
- \* Parade of shops opposite does not have illuminated signs;
- \* Bus stop sign is too big and ugly;
- \* Loss of property value; and
- \* Distraction to drivers.

A number of other concerns have been raised in letters which were also submitted with respect to planning application AW/211/14/PL. Where these concerns relate to the issues raised in the planning application they have not been listed here as we can only consider issues relevant to the determination of the advertisement consent application and not matters such as the loss of the public house.

The full text of each and all of the representations can be viewed on the Councils website.

### Comments on Representations received:

The proposals have been reviewed by the Councils Conservation Officer and amendments have been made. With respect to the lighting, a condition will be imposed to restrict this to opening hours only. The comments of WSCC Highways and ADC Environmental Health are reported below.

## CONSULTATIONS

Conservation Officer  
Conservation Officer  
Environmental Health  
WSCC Strategic Planning

### Consultations responses received:

Conservation Officer: Original comments as follows:

It is considered that there is an excessive amount of signage on the property. The amount, location and size of advert/signs create a cluttered effect specifically sign 2 and 6 (bus stop signs). Are these required as they repeat most of the text in the other signs. Sign 5 this is a large sign. Could it be reduced to match the width of the window/door?

Following the receipt of amended plans on the 17th September 2014 (which deleted signs 3 & 6), additional comments were sought and the second response was as follows:

The removal of one of the hanging signs is supported, but I still have strong concerns regarding the design of sign 5. It is still considered that this sign is excessive and should be reduced in size. The majority of the elevation will be hidden from view until relatively close to the building; this will limit the impact that such a sign will have on the passing public.

ADC Environmental Health - No EH comment.

WSCC Highways - "Upon inspection of the plans, it does not appear that these signs will be positioned in locations where they could obstruct the highway. The proposed signage has a proposed luminance level of 250 cd/m2. This is below the recommendations made by the Institute of Lighting Engineers for illuminated signs in a location such as Aldwick. The proposed projecting sign will project over land considered to be publically maintained highway. A Section 177 Licence will therefore be required. No anticipated highway safety concerns will be raised to the proposed signage. If the LPA are minded to grant planning consent the following informative should be applied".

**Comments on Consultation responses:**

The Applicant has stated with regard to the Conservation Officers request for amendments to sign 5 that:

"Unfortunately, it is not possible to stack the 7am-11pm every day lettering underneath the Morrison's M Local lettering and therefore it would be difficult to reduce the extent of the fascia sign above the entrance (sign 5).

You may recall that the extent of the proposed signage was reduced following pre-application consultation with Arun District Council prior to the submission of the application. This included removing/reducing Morrison's signage from the front elevation in order to protect the original character of the building. The signage on the east elevation was specifically retained to ensure the retailer has sufficient visibility. As such, I would suggest that the signage proposed is minimal and its design has evolved through consultation with the LPA in order to respect the character of the building."

It should also be noted that although the Conservation Officer originally requested the removal of signs 2 and 6, the applicant actually removed signs 3 and 6. The removal of sign 3 not 2 followed discussions between Morrison's and the Parish Council and Morrison's considered that the loss of sign 3 was the better option in terms of reducing clutter.

The informative requested by WSCC Highways is included within the recommendation.

**POLICY CONTEXT**

Designation applicable to site:

Within the built up area boundary;  
Area of Special Character; and  
Building of Special Character.

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan 2003: [AREA1](#)  
[GEN2](#)  
[GEN22](#)  
[GEN33](#)

Areas of Special Character  
Built-up Area Boundary  
Buildings or Structures of Character  
Light Pollution

Publication Version of the Local  
Plan (October 2014):

HER DM2 Locally Listed Buildings or  
Structures of Character  
HER DM4 Areas of Special Character  
QE DM2 Light Pollution

## **PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

## **SUPPLEMENTARY POLICY GUIDANCE**

XXX4

Supplementary Planning Guidance for  
Advertisements.

## **POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham. Aldwick Parish Council are not preparing a Neighbourhood Plan.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Regulation 3(1)(a)(b), 3(2)(a)(b) and 4(3) of the Town and Country Planning (Control of Advertisements) Regulations 2007 states:-

"3(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -

- (a) The provision of the development plan, so far as they are material; and
- (b) Any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b) -

(a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) Factors relevant to public safety include -

(i) The safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) Whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air;

(iii) Whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested.

#### **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### **CONCLUSIONS**

##### **PRINCIPLE:**

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. Paragraph 77 of the National Planning Policy Framework states that:

"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. 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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

Further scrutiny will be applied to the impact of the works on the character of the building due to its status as a heritage asset (Building of Special Character) and its location within an Area of Special Character.

##### **IMPACT UPON THE SURROUNDING AREA:**

The signage proposed is considered to be broadly in keeping with its surroundings given the present use of the building as a public house and that there is a short row of 4 commercial properties opposite. In addition, it is noted that the existing public house signage is illuminated. Furthermore, the proposed signs are no closer to existing residential properties than the existing illuminated signs. There are larger signs than the existing to face onto the Ship Cottage but these will face a flank wall at a distance of just over 12m. This is considered to be acceptable so as not to adversely affect the amenity of the neighbouring property.

#### **IMPACT UPON THE BUILDING:**

The signage proposals have been reduced following comments by the Council's Conservation Officer. 2 of the original 6 signs have been removed and it is considered that this act results in a significantly less cluttered building. Indeed, there is now only 1 sign on the front of the building and this is actually on the extension at the eastern end.

Although the Council's Conservation Officer still has reservations about Sign 5, it is clear that the applicants will not amend this and it is not considered that the impact of this on amenity is significant enough to warrant a refusal on these grounds. As noted above, the building was previously in use as a public house and had its own illuminated signage. Whilst the proposed signage is more noticeable than the existing, the previous use is an important material consideration and furthermore, part of the reason why the signage is more noticeable is that Morrison's have their own distinct green and yellow brand (which by its nature is brighter than black on cream).

As the planning application report states the building can change to a shop without the need for planning permission. Once a change of use had taken place certain illuminated adverts could be erected on an elevation of the building with a shop window under 4B of the Town and Country Planning (Control of Advertisements Regulations) (England) 2007 without the need to apply for permission.

#### **ILLUMINATION:**

The intensity of the proposed lighting, at 250 candelas per metre, is within the threshold of 800 candelas per metre as defined in West Sussex County Council standing advice for illuminated signs within a zone E3 location (small town centres or urban locations). The impact of lighting will be further reduced due to the fact that of the four illuminated signs, two (the fascia sign on the east elevation and the projecting sign) will be externally lit by trough lighting thus reducing glare. A condition will be imposed to ensure that the lighting is only turned on during operating hours.

#### **SUMMARY:**

The proposed advertisements are not considered to detract from the character and appearance of the surrounding area or from the character of the building itself. The levels of illumination are not considered to be excessive and, therefore, will not appear incongruous within this mixed commercial/residential setting. It is therefore recommended that the application is approved, subject to the following conditions.

#### **HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

#### **RECOMMENDATION**

##### **APPROVE CONDITIONALLY**

**.....of the proposed development is PERMITTED/GRANTED in accordance with the conditions specified.**

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

Location & Block Plans Ref D/00;  
Proposed Block Plan - Signage Ref D/10 Rev A;  
Existing Elevations Ref D/05;  
Existing Elevations 2 Ref D/05;  
Proposed Signage Elevations Ref D/25 Rev B (16/09/14);  
Proposed Signage Elevations Ref D/26 Rev B (16/09/14);

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework and Planning Practice Guidance.

- 2 The advertisements hereby permitted shall not be illuminated except during the store's permitted opening hours from 06:00 to 23:00 on Mondays to Sundays and including bank holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with the National Planning Policy Framework and Planning Practice Guidance.

- 3 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: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 4 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: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 5 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: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 6 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: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 7 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: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

- 8 The intensity of illumination of the proposed sign shall not exceed 250 candelas per square metre.

Reason: In the interests of the visual amenities of the locality in accordance with the National Planning Policy Framework and Planning Practice Guidance.

- 9 The illumination of the proposed sign shall be of a non-intermittent type.

Reason: In the interests of the visual amenities of the locality in accordance with the National Planning Policy Framework and Planning Practice Guidance.

- 10 With the exception of the three instances of the "Ship Inn" lettering, the advertisements

hereby permitted shall not be displayed until the existing advertisements displayed on the premises have been removed or permanently obliterated to the satisfaction of the Local Planning Authority.

Reason: To avoid an excessive display of advertising material in the interests of the appearance of the locality in accordance with the National Planning Policy Framework and Planning Practice Guidance.

**Signs 1, 4 and 5 of the proposed development are REFUSED for the reasons specified.**

- 00 Signs 1, 4 and 5 by reason of their size, design, position, degree and method of illumination cause harm to the public amenity in the Area of Special Character contrary to the Supplementary Planning Guidance and the NPPF.
- 01 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 02 INFORMATIVE: Before the commencement of any operation, the applicant is advised to contact West Sussex County Council (Tel no: 01243 642105 or email [street.works@westsussex.gov.uk](mailto:street.works@westsussex.gov.uk)) to obtain a Section 177 Licence under the Highways Act 1980 to cover any structure that overhangs the highway.