

REPORT UPDATE

Application No: AW/25/15/A

Reason for the Update / Changes

Reason for Update/Changes:

A late objection has been received from the Friends of the Ship Inn. This is summarised below:

- * Request that the application be refused;
- * Consider that Morrisons have disregarded planning legislation by erecting temporary signage and this is unacceptable behaviour;
- * Object to the externally lit Morrisons Local M sign on the front elevation as there is no advertising purpose to this sign as motorists will not see it until it is too late to turn into the car park and will have already seen the signs on the end elevations;
- * Do not object to the externally lit sign on the west elevation of the building.
- * Question why the Conservation Officer had previously asked for a more sensitive design but then unaccountably recanted his views and said that the Morrisons plans would have a 'neutral impact upon the property';
- * Request a 50% reduction in the size of the sign above the entrance on the eastern elevation;
- * Consider that the other car park and opening hours signs on the building do not add to the advertising of the store and look cluttered and out of place in the village environment;
- * Wish to point out the intrusive/excessive lighting around the ATM and the intense light pollution coming from the store's main entrance;
- * State that the strong light generated from inside the store and emanating from the entrance glass doors, is polluting the surrounding area, especially the flats opposite; and
- * Consider that the Morrisons store and its unlawful signage is out of character with the Aldwick Area of Special Character.

In summary, the Friends ask that the Committee reject all the signs except for the one on the west end elevation.

Officers Comment:

It should be noted that the two small signs on the eastern elevation do not actually require advertisement consent and have only been included within the application for completeness.

The recommendation remains as per the agenda report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

AW/25/15/A

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: AW/25/15/A

LOCATION: The Ship Inn
Aldwick Street
Aldwick

PROPOSAL: 3 No. externally illuminated fascia signs, 2 No. non illuminated fascia signs & 2 No. non illuminated panel signs to various elevations (resubmission following AW/215/14/A).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed signs are as follows:

Sign 1:- Externally illuminated (trough lit) square shaped fascia sign (1.3m by 1.3m) stating "Morrisons M local" on the western end of the building;

Sign 2:- Externally illuminated (trough lit) rectangular shaped fascia sign (2.9m by 0.5m) stating "Morrisons M local" on the front (southern elevation) of the building;

Sign 4:- Non illuminated square shaped fascia panel (0.6m by 0.5m) on the eastern end of the building displaying opening hours;

Sign 5:- Externally illuminated (trough lit) rectangular shaped fascia sign (4.6m by 0.6m) stating "Morrisons M local" on the eastern end of the building;

Sign 6:- Non illuminated square shaped fascia panel (0.6m by 0.5m) on the eastern end of the building displaying information about the car park and the maximum waiting time; and

Sign 7:- Two x "Disabled Badge Holders Only" circular (0.4m by 0.5m) signs mounted on 1.1m high poles and located in two positions within the car park.

Sign 3 as noted on the signage plan and on the various elevations is the sign that has already been approved by application ref AW/215/14/A.

It should be noted that the existing Ship Inn lettering is no longer being retained.

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 former 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 building is now occupied by Morrisons and has been extended on the eastern side.
CHARACTER OF LOCALITY	The building formerly known as 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 17-12-2014
AW/215/14/A	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.	Part Apprv/Part Refu 19-12-2014

Application AW/215/14/A was previously recommended for permission at the Planning Committee on the 17th of December. The application was part approved and part refused. The only approved sign was the hanging sign on the front elevation. The reason for refusal given in respect of the other signs was as follows:

"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."

The Morrisons store is currently open and includes a number of banner type 'temporary' adverts in the same positions as those proposed by the current application. These banner signs do require planning permission but it is not considered proportionate to take action against these at the current time given that an application for signage is currently being determined.

Members should note that application AW/50/15/DOC is not yet ready to be determined and will therefore come to a future Development Control Committee meeting.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council: "Members have no objection to the application."

42 letters of objection. The concerns are as follows:

- * Number of signs on such a small site is out of character with the Area of Special Character;
- * Light pollution from illuminated signs which will cause health problems;
- * No other business in Aldwick have so many signs;
- * Sign 2 is unnecessary due to other signs;
- * Signs 4 and 5 are too large;
- * Sign 5 is obtrusive in size;
- * Sign 6 is not necessary as it is obvious that there is a car park;
- * Use of steel posts for the two sign 7's - these add clutter to the site;
- * Permitting these signs will set a precedent for other retailers;
- * Why is the Ship Inn lettering no longer being retained?;
- * Lighting impact on road safety;
- * Not appropriate to have signs lit from 7am to 11pm;
- * Attraction of local youths;
- * Trough lighting is just as intrusive as internal illumination;
- * The previously approved sign is sufficient to advertise the premises;
- * Commercialisation of the historic building; and
- * Why have Morrisons put up pictures of produce/goods for sale in their windows and not historic photographs as previously stated?

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

Comments on Representations received:

The comments of WSCC Highways and the Councils Conservation Officer are reported below.

With respect to the illumination, a condition will be imposed to restrict this to opening hours only. Furthermore, no concerns were raised by Environmental Health on the previous application with regard to the illumination and any associated impacts on health. In addition,

it is noted that the previous public house signage was illuminated by trough lighting.

It should also be noted that some of the objections relate to the size of signs 4 & 6 which have now been reduced in size and as such now benefit from deemed consent.

With respect to the existing Ship Inn lettering, the Council has no powers to force the retention of this and in actual fact, it may be that the addition of the existing signage alongside Morrisons proposals would result in a much more cluttered appearance.

The matter of the pictures in the windows is the subject of a different application - AW/50/15/DOC which will be determined at a future committee meeting.

CONSULTATIONS

Environmental Health
Conservation Officer
WSCC Strategic Planning
Conservation Officer

Consultations responses received:

WSCC Highways - "The proposed illuminated signage has luminance levels of 250 cd/m. This is below the recommendations made by the Institute of Lighting Engineers for illuminated signs in a location such as Aldwick. None of the signage proposed within this application are proposed in location that will interfere or overhang the publically maintained highway. No anticipated highway safety concerns will be raised to the proposed signage."

ADC Conservation Officer - Original comments stated that:

"The proposal for signage to the new Morrisons, is an improvement to the previously (part) approved application. However, the following comments are provided:

Front elevation: the sign seems located so that it accommodates the space between the two openings. It is suggested that the sign is redesigned to include only the 'M local' element. This revised text could be slightly larger, but not such that it accommodates the entire section between the two windows. An alternative could be to retain reference to the old ship, and have a hand painted sign stating something like "M Local at the Old Ship".

Side elevation (main entrance): is there a need for so many signs on this elevation? The number, size and location are visually cluttering. Could the hours of opening be placed on the third glazing panel of the opening, and the car park sign located closer to the cash point?

Side elevation: is this sign actually needed? It is considered that the hanging sign that already has received approval is adequate enough to draw attention to passing traffic.

General: as the property is a heritage asset, it is considered that more traditional techniques would be more appropriate."

However, following the response of the applicant (as reported in the following section), an additional response was issued to say that:

"I note the additional comments from the applicant, and consider that the revised plans will have a neutral impact upon the property."

ADC Environmental Health - no response received. There were no objections raised to the previous signage application.

Comments on Consultation responses:

The comments of WSCC Highways do not differ from that reported at the time of AW/211/14/A.

In response to the original consultation response from the Conservation Officer, the applicant submitted the following comments:

"I would point out that in refusing consent for signs 1, 4 and 5 as previously proposed (your ref: AW/215/14/A), the Council's decision set out a specific objection, with harm identified only in respect of the signs' impact on public amenity within the Area of Special Character. There was no objection in principle to any of the signs which were proposed in that application and no harm was alleged to the character and appearance of the ASC, or to the host building.

* Front elevation sign: The company's brand name is "Morrisons M Local" and as such, no change can be made to the wording of the sign. I would further point out that the suggested amended wording: "M Local at The Old Ship" would inevitably be larger than the sign proposed in this application. I have reviewed the conservation officer's comments connected with the original signage application and they do not appear to have raised any objection to the internally illuminated sign which was proposed on the front elevation. The sign now proposed addresses the committee members' concerns regarding design and method of illumination and to my mind it would not cause harm to public amenity in the ASC. I further consider it to be in keeping with the building's character and the character of the surrounding area.

* Opposite side elevation: In the absence of any previous objection from the Council and the conservation officer to the principle of displaying a sign in this location, it will not be removed from the current application. The sign is smaller than that which previously was proposed and the external illumination which is now proposed is in keeping with the character of the building and the area's character such that there would be no harm to public amenity.

Finally, I note the comment that the building is considered a heritage asset (although this was not raised during the course of the previous application). The building is not in a conservation area and it is neither statutorily nor locally listed. As such, I would dispute that suggestion. Notwithstanding my opinion on this matter, the previous signage application was reported to committee with a recommendation that consent should be granted and as such, officers took the view that the signs which previously were proposed would not cause harm to the building. In view of the design improvements which have been made and in the interests of consistency, the same conclusion should be reached."

The applicants did also agree to make a change to the two non-illuminated fascia panels (signs 4 & 6) on the eastern elevation. They have reduced the size of these two signs and repositioned them so as to align with the top of the approved ATM. This tidies up their appearance on this elevation. It should be noted that these two signs are now 0.3sqm in area and as such benefit from Deemed Consent under Schedule 3, Part 1, Class 2 of the Control of Advertisement Regulations (2007).

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; Bersted; Felpham; Littlehampton; Ferring, Kingston, Angmering, East Preston; and Yapton.

Aldwick have no plans to develop 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 BUILDING AND THE SURROUNDING AREA:

The signage proposed is considered to be an improvement on the previous application which was itself considered by officers to be broadly in keeping with its surroundings given the former use of the building as a public house, the previous externally illuminated signage and that there is a short row of 4 commercial properties opposite.

It is considered that the signage proposals represent an improvement on those previously applied for in that: (a) the sign on the front of the new extension has now been omitted; (b) there are no longer any instances of internal illumination; (c) the fascia sign above the new entrance is now only the width of the entrance; (d) although there are now two additional signs on the eastern elevation, these are very small and in fact do not require advertisement consent (but are included within the application for completeness) and (e) the sign on the western end is now smaller and also replaces the Ship Inn 'lettering' sign and therefore minimises the area of signage on this elevation.

The proposed signs are no closer to existing residential properties than the previous Ship Inn illuminated signs. The externally illuminated sign that will face onto the Ship Cottage is now broadly the same size as the former externally illuminated Ship Inn sign and will face onto 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.

Although the Council's Conservation Officer initially suggested further amendments, no objection was made and following the response by Morrisons, the Conservation Officer added that: "I note the additional comments from the applicant, and consider that the revised plans will have a neutral impact upon the property."

It should also be noted that the comments of the Conservation Officer on the previous objection only had a significant objection to the width of the sign above the entrance and this has been reduced in size in line with the previous comments. It is noted in particular that the Conservation Officer did not previously raise any objection to the proposed fascia sign on the western elevation which now has less of an impact given the omission of the Ship Inn lettering above.

It is considered that the current proposal is significantly less cluttered than the previous scheme and the move away from internal illumination to external trough lighting is a positive change, particularly considering that the Ship Inn previously had external trough lighting.

Whilst the proposed signage will be more noticeable than the signage associated with the Ship Inn, this is partly due to Morrison's colour scheme which by its nature is brighter than the Ship Inn's former black on cream advertising.

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 use of external trough lighting. A condition will be imposed to ensure that the lighting is only turned on during operating hours.

IMPACT ON THE HIGHWAY

As is clear from the WSCC Highways response set out above, there are no highway objections to the proposed signage. As such it is not considered that any objection can be raised with regard to public safety.

SUMMARY:

The proposed advertisements are considered to be a significant improvement on the previously part refused scheme. The use of external trough lighting is considered to be a positive change as this will minimise the spread of light from the signs and also minimise the depth of the signs themselves. 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

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

Location & Block Plans Ref D/00;
Proposed Signage Site Plan Ref D24 Rev F;
Proposed Signage Elevations Ref D/25 Rev B; and
Proposed Signage Elevations 2 Ref D/225 Rev E (31/03/15).

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 The advertisements hereby permitted shall not be displayed until any 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.

- 11 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. 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.