BASEPOINT CENTRES LTD

THE ADUR BUSINESS CENTRE
LITTLE HIGH STREET
SHOREHAM-BY-SEA

APPEAL STATEMENT

Date: FEBRUARY 2013

DWD Ref: 8549
Adur District Council Application Ref: AWDM/1445/12

Dalton Warner Davis LLP
21 Garlick Hill
London
EC4V 2AU
Tel: 020 7489 0213
Fax: 020 7248 4743
www.dwdllp.com
twitter.com/dwdllp

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1.0 INTRODUCTION

1.1.1 Dalton Warner Davis LLP have been instructed by Basepoint Centres Ltd to prepare an Appeal Statement to support their appeal against Adur District Council's recent decision to refuse advertisement consent (Ref: AWDM/1445/12) for proposed advertisements at The Adur Business Centre, Little High Street, Shoreham-By-Sea (the Site).

1.1.2 The Council's Decision Notice states one reason for refusal, as follows:

"*The proposed signs by reason of their location, size, colour and height above ground level would be unduly prominent and incongruous features which would detract from the appearance of the existing building and the visual amenities of the locality, contrary to saved policy AB17 of the Adur District Local Plan*".

2.0 SITE AND SURROUNDINGS

2.1 Site Context

2.1.1 The application site is the Adur Business Centre, which is located within the second, third and fourth floors of the Ropetackle Centre. The ground floor of the building is used as a community and arts centre and the rear of the building is in residential use. The building is situated on the junction of the High Street and the Norfolk Bridge, adjacent the River Adur. The centre acts as a 'gateway' to the commercial district of Shoreham-by-Sea.

2.1.2 The Shoreham-By-Sea Conservation Area boundary lies to the east and south east of the Site. A map of the Conservation Area boundary is included in DWD1.

2.1.3 The Site is not identified as being within a Site of Special Advertisement Control as identified on the adopted Local Plan Proposals Map. The Site does fall within an area identified for commercial development, however (as identified below) the Site has been redeveloped subsequent to this designation being made.

2.2 Examples of Nearby Advertisements

2.2.1 The Site lies close to the High Street and associated commercial properties. There are a number of examples of advertisements in the locality, some of which are at upper floor level of the subject buildings. These are identified on the schedule attached at DWD2 and includes:

- 88-92 High Street;
- The Bridge Inn, 87 High Street;
- Old Town Hall, High Street; and
- The Crown & Anchor Public House, High Street.

2.3 Planning History

2.3.1 The Adur Business Centre is part of the waterside development at Ropetackle constructed by Berkeley Homes and the South East England Development Agency (SEEDA).

2.3.2 The original planning permission for the Ropetackle Centre formed part of a wider regeneration scheme and was granted on 03/04/2003 (Ref: SU/216/02), with the following description of development: "*Mixed Use Development Inc. Residential, Retail, Office, Community Facility Café/Bar; Car Parking, Access Rd & River Walk/Cycleway.*"

2.3.3 Planning permission was granted on 12/12/2003 (Ref: SU/205/03) for: "*Revised Community Building with Offices Above.*"

3.0 BACKGROUND

3.1.1 Basepoint Centres Ltd is a commercial arm of the ACT Foundation, which is a registered charity. The company provides managed business centres which cater primarily for small and start-up businesses, with rental through bi-weekly rolling licence agreements. This gives flexibility and ease of management for users of the centres as the rental includes various utilities such as electricity, water and internet services i.e. 'one cost service'.

3.1.2 Basepoint currently provides varying sizes of office and workshop space in 21 towns in the south of England. The company is specifically designed to house small and growing enterprises and offers modern business centres which ensure occupiers have high quality facilities.

3.1.3 Basepoint enables small start up companies (of 1-5 people) a professional working environment without having to commit to the long term and often expensive leases that the general office market requires.

3.1.4 The company works in partnership with many local authorities and regional development agencies and seeks to stimulate and encourage employment and economic activity. Basepoint was nominated a preferred partner with the (now closed) South East England Development Agency (SEEDA) in 2004 to develop up to 20 additional business centres over the next 16 years.

4.0 THE PROPOSED DEVELOPMENT

4.1.1 The Proposed Development is for three new signs on three separate elevations of the existing building.

4.1.2 The proposed advertisements will be green in colour (Ref: Pantone System PMS 369). The Applicant would like to make it clear that they would be willing to have a different colour (e.g. white) if the Inspector would deem this acceptable as opposed to the proposed green colour. This could be secured by condition if necessary.

4.1.3 An annotated location plan showing the sign locations formed part of the application submission, identifying elevations facing the water to the south, one facing the roundabout to the east and one facing Little High Street to the north.

4.1.4 The signs would be a maximum of 13m above ground. Detailed measurements are provided for the individual advertisement elements on the detailed plans which accompanied the application.

5.0 DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

5.1 Legislation

5.1.1 The relevant legislation for advertisement consent is The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

5.2 The Development Plan

5.2.1 The development plan for the area comprises the Regional Spatial Strategy for the South East (2009) (the RSS), and the saved polices of the Adur District Local Plan 1996 (the Local Plan).

South East RSS

5.2.2 The RSS is a strategic document and therefore has limited relevance to the determination of this application. However, paragraph 6.8 of the RSS states the following:

"*Supporting both innovation and the role of the knowledge-driven industry is important to realise the Plan's objective of sustainable economic development in the South East. The focus of this policy is on supporting and encouraging types of businesses that will help the regional economy to continue to develop successfully. The region has a number of sectors that will be significant to realising this objective. Assisting their development and supporting and promoting opportunities for enhanced networks and cluster development will help enhance the region's competitive advantage, broaden the region's economic base, and encourage economic growth.*" An extract of this section of the RSS has been included as part of the appeal submission.

Adur District Local Plan

5.2.3 Adur District Local Plan Policy AB17 states *"The District Planning Authority will only grant express consent for advertisements which:-*

(a) respect the character and appearance of the surrounding area, and

(b) *do not create a danger or hazard to public safety."*

5.3 Other Material Considerations

National Planning Policy Framework (NPPF)

5.3.1 The National Planning Policy Framework was published in March 2012 (NPPF) and sets out the Government's national planning guidance.

5.3.2 Paragraph 14 of the NPPF states that: "*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, whish should be seen as a golden thread running through both plan-making and decision-taking*." The guidance goes

on to state that, for decision-taking, this means "*approving development proposals that accord with the development plan without delay…*"

5.3.3 Paragraph 67 of the NPPF refers to advertising and states:

"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."

Shoreham-By-Sea Conservation Area Character Appraisal and Management Strategy

5.3.4 The Shoreham-by-Sea Conservation Area Character Appraisal and Management Strategy was approved in March 2008 (this has been included as part of the appeal documentation) and provides an analysis on the character of the conservation area. The map on page 11 of the Character Appraisal identifies the area immediately to the east of the Site as being a 'Shopping Area'.

5.3.5 Part 6.7 of the Character Appraisal makes specific reference to the Site, stating:

"*The western entrance to the High Street provides the most immediate impact of arrival with the crossing of the bridge, roundabout and entrance to the main hub of the town. The Ropetackle development on the left hand side helps to enclose the views towards the conservation area. The tower of St Mary's Church can be seen above the roof lines of the near buildings, as can the former Church of St Peter on Ship Street which has been converted into residential flats.*"

5.3.6 Page 31 of the Character Appraisal refers to signage and states:

"*As a significant part of the conservation area is commercial in nature, there is a large amount of signage on display. The majority of signage is attached to the frontage of business premises. Some premises contain projecting signs, although these are not particularly common.*"

Outdoor Advertisements and Signs: A Guide for Advertisers (Communities and Local Government, 2007)

5.3.7 The above guidance was published in 2007 (and has been included as part of the appeal documentation) and outlines the types of advertisement where express consent is required, as well as general guidance regarding the assessment of impact on amenity and public safety.

5.3.8 Page 27 of the guidance states that "*In practice, 'amenity' is usually understood to mean the effect upon visual and aural amenity in the immediate neighbourhood of displaying the advertisement, or using an advertisement site, where passers-by, or people living there, will be aware of the advertisement. So in assessing amenity, the planning authority will always consider the local characteristics of the neighbourhood. For example, if your advertisement will be displayed in a locality where there are important scenic, historic, architectural or cultural features, the planning authority will consider whether it is in scale and in keeping with these features…*"

Draft Adur Local Plan 2012

5.3.9 Consultation on the Draft Adur Local Plan ran from 19 September 2012 to 31 October 2012 and a copy has been included as part of the appeal documentation. Draft Policy 14 (Quality of the Built Environment and Public Realm) makes reference to advertisements, stating that: "*Express consent will only be granted for advertisements which respect the character and appearance of the surrounding area, and do not create a danger or hazard to public safety.*"

6.0 ASSESSMENT OF THE PROPOSED ADVERTISEMENTS

6.1 Impact on the Character of the Surrounding Area

6.1.1 Part (a) of Local Plan Policy AB17 requires advertisements to respect the character and appearance of the surrounding area.

6.1.2 Other than the adopted and emerging planning policies referred to in Section 5.0 above, there is no other guidance (for example supplementary planning documents) provided by the Local Planning Authority (LPA) to assist applicants in assessing their advertisement proposals prior to submission. Furthermore, the Site is not identified in the Local Plan as falling within a Site of Special Advertisement Control.

6.1.3 As identified above in Section 5.0, the map on page 11 of the Conservation Area Character Appraisal shows the area immediately to the east of the Site as being a 'Shopping Area'. Page 31 of the Conservation Area Character Appraisal also confirms that there is a large amount of signage on display within the adjacent Conservation Area.

6.1.4 The schedule attached at DWD2 identifies a number of varying types of advertisement in the area and shows that there does not appear to be a prevalent style of advertisement.

6.1.5 There is existing signage on all three of the elevations where the advertisements are proposed. The proposed advertisements will be no higher than the existing lettering and on the roundabout elevation, will fall below the existing clock feature. Whilst it is accepted that the building is in a prominent location, this is not reason in itself to limit appropriate advertisements relating to the occupant of the building.

6.1.6 The Delegated Report relating to the application states: "*It is considered that to add to the fascia with the proposed signage would result in a cluttered appearance which would detract from the existing character of the building. It would add similar clutter to the north side and would introduce signage to the south west side unnecessarily*."

6.1.7 With regard to the above statement, the Applicant wishes to make it known that they now own the building as well as operate within it. The proposed advertising resembles the Applicant's existing logo (see examples of signage from other Basepoint business centres in DWD3), which is considered to be inoffensive and unobtrusive in both colour and design. The size of the proposed signage reflects the scale of the building as a whole, so as not to be 'lost', and without being unduly prominent either in the context of the building or of the surrounding area.

6.1.8 The existing 'Ropetackle' signage simply serves to inform people of the name of the building, and does not serve to notify members of the public of the business or service being carried out in the building.

6.1.9 The applicant advises that a high proportion of enquiries and custom come directly from potential customers seeing the advertising on their buildings, not through 'word of mouth' or other forms of advertising. It is therefore critical to the operation of the business that there is signage on the building.

6.1.10 With regard to the statement made in the Delegated Report that the proposed advertisement to the south west elevation is, in the Council's view, 'unnecessary', it should be noted that Local Plan Policy AB17 does not require that all advertisements be 'necessary'. The test in this case is not whether the advertisements are 'necessary', but whether they respect the character and appearance of the surrounding area.

6.1.11 The Delegated Report goes on to state: "*It is considered that the building is sufficiently well-known in its own right to not require such signage. While the Adur Business Centre within the Ropetackle building has changed its name, it is not considered necessary to introduce the Business Centre logo at such a prominent height. The Ropetackle name should be the only signage at that level*."

6.1.12 The statement claiming that the building is sufficiently well-known does not appear to have any basis. The Applicant is not aware of any surveys undertaken in the District or further afield, whereby general members of the public or potential business owners are asked whether they know of the Ropetackle building or of the Applicant's existence therein. As it stands, there is very little externally to inform members of the public that Basepoint is operating from the building in question. In our view it is not for the Council to determine whether the building is sufficiently well-known unless it is based on factual evidence.

6.1.13 When set against the height and scale of the existing building as a whole, it is not considered that the proposed advertisements would be unduly prominent, nor are they considered to be too high considering that existing signage on the building is located higher.

6.1.14 The Delegated Report also states: "*If signage is deemed to be essential, it is considered that smaller signs above doorways or within windows, similar to what currently exists, would be the most appropriate means of displaying the Basepoint brand*."

6.1.15 Whilst it is agreed that smaller signs would be less visible, this will always be the case in any proposal and it is our view that this statement is not a relevant consideration when assessing the application.

6.1.16 Furthermore, the consultation response to the application made by the Adur District Conservation Advisory Group confirmed that they would recommend approval of the application. A copy of the response is included in DWD4. Given that one of the key views toward the proposed advertisements is from the adjacent Conservation Area, and the fact that the Advisory Group exist to assist in conserving the character and appearance of the

area, it is considered that this recommendation to approve is an important consideration in this case.

6.1.17 The key issue in this case whether the proposed advertisements conflict with Local Plan Policy AB17 by not respecting the character and appearance of the area and in this case we do not consider there to be a conflict with this policy.

6.1.18 Given the considerations outlined above, it is our view that there is no conflict with Local Plan Policy AB17 or other material guidance with regard to the impact of the proposed advertisements on the character and appearance of the surrounding area.

6.2 Public Safety

6.2.1 Part (b) of Local Plan Policy AB17 requires advertisements to not create a danger or hazard to public safety.

6.2.2 No safety concerns are raised in the Council's Delegated Report or reason for refusal.

6.2.3 The proposed advertisements will be a minimum of 9.6m above ground level and will protrude approximately 5mm from the face of the building.

6.2.4 Given the above, it is our view that there is no conflict with Local Plan Policy AB17 with regard to the impact of the proposed advertisements on public safety.

6.3 Other Considerations

6.3.1 As outlined above in Section 3.0, the Applicant provides an important short-let service to small and start-up businesses. In the current economic climate, this is an essential service allowing small and young businesses to operate flexibly without significant long term overheads.

6.3.2 Notwithstanding the fact that, in our view, the key test in this case is whether the proposed advertisements accord with Local Plan Policy AB17, it is important to add that in order for members of the public to be aware that the Site is occupied by the Applicant, and to provide appropriate publicity, visible external advertising is a critical requirement, contrary to what is stated in the Council's Delegated Report.

7.0 CONCLUSION

7.1.1 The Proposed Development is for three new signs on three separate elevations of the existing building.

7.1.2 The key consideration in this case is Adur District Local Plan Policy AB17, which states *"The District Planning Authority will only grant express consent for advertisements which:-*

(c) respect the character and appearance of the surrounding area, and

(d) *do not create a danger or hazard to public safety."*

7.1.3 As outlined above, it is considered that the proposed advertisements respect the character and appearance of the surrounding area, and most notably the adjacent Conservation Area. This view is shared by the Adur District Conservation Advisory Group. There is no prevalent style of advertisement in the area, as identified in the schedule contained in DWD2.

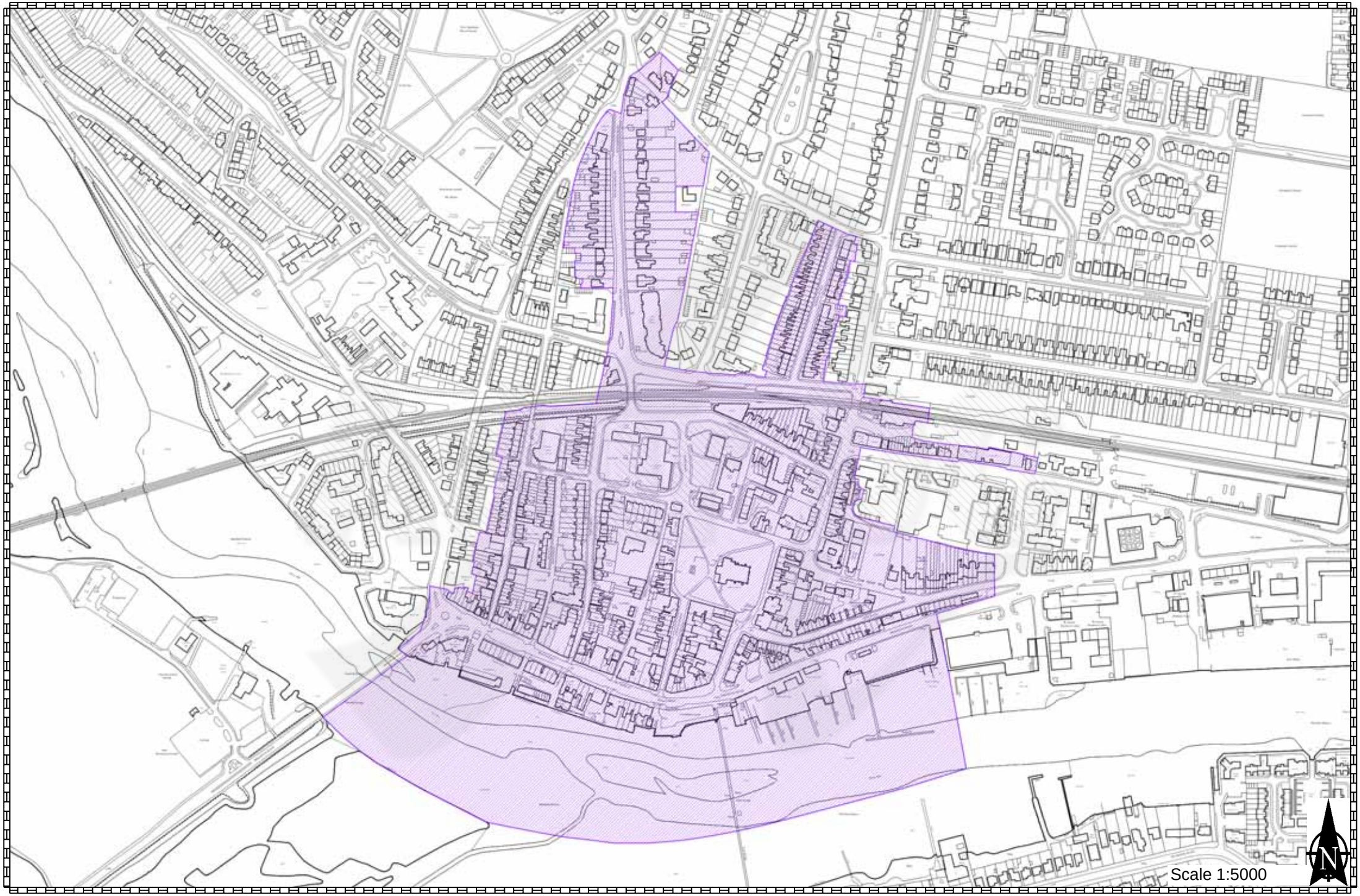
7.1.4 The proposed advertisements will not give rise to any issues of public safety.

7.1.5 Contrary to what is stated in the Council's Delegated Report, there is a significant business case in support of the proposed advertisements and in our view the LPA have been overtly stringent in the application of Local Plan Policy AB17, contrary to the guidance provided in paragraph 67 of the NPPF, whilst also not providing sufficient weight to the need of the business to advertise its existence in the building.

7.1.6 It is not a relevant planning consideration for the LPA to determine whether the sign is necessary or whether the LPA feels the building is well known.

7.1.7 For the reasons outlined above, it is our view that the proposed advertisements accord with the policies set out in the development plan along with other material considerations, and it is requested that advertisement consent be granted accordingly.

DWD1



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DWD2

Schedule of nearby advertisements



1: 88-92 High Street



2: The Bridge Inn, 87 High Street

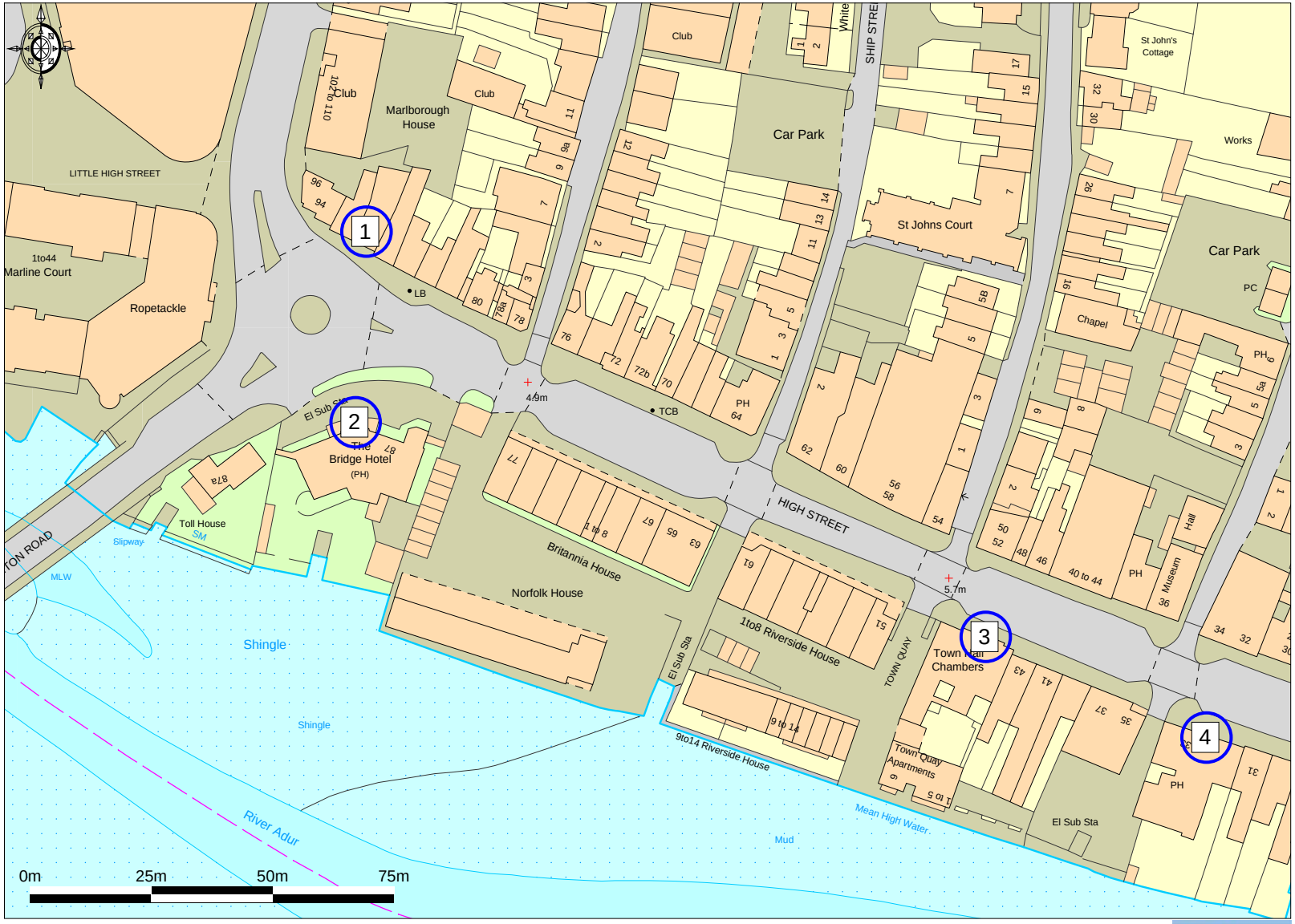


3: Old Town Hall, High Street



4: The Crown & Anchor Public House, High Street

Location of nearby advertisements



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DWD3



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Camberley Centre

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Camberley
GU15 3HL

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E-mail Camberley



Anne Moore
Assistant Centre Manager

FEATURED SPACE



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For further information please contact Lucy on 01962 832500 or email: winchester@basepoint.co.uk

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Centre Offers View Site Plan Photo Gallery Contact Details

Winchester Centre

1 Winnall Valley Road
Winchester
Hampshire
SO23 0LD

GET DIRECTIONS

01962 832500
E-mail Winchester



Claire Owen
Centre Manager

Networking Hub Events

« February 2013 »

WHAT'S NEW?



BASEPOINT WINCHESTER APPOINTS NEW CENTRE MANAGER

Published: Friday, 25 January 2013



SPREADING THE WORD TO THE LOCAL BUSINESS COMMUNITY

Published: Thursday, 22 November 2012

Basepoint Southampton joined forces with colleagues from Romsey,

DWD4

ADUR DISTRICT CONSERVATION ADVISORY GROUP

MINUTES

of an email consultation carried out during week ending 4th January, 2013

Messrs. G. Leigh, M.Gillespie, D. Donaldson, L. Parsons & R. Richards & Mrs. B.Ferrers-Guy unanimously agreed the following:-

AWDM/1445/12 – Approve

AWDM/1449/12 – Approve provided the Parks Inspector is satisfied

AWDM/1459/12 – Approve

Mr. P. Thornton did not responde

Beryl Ferrers-Guy

Chairman.ADCAG