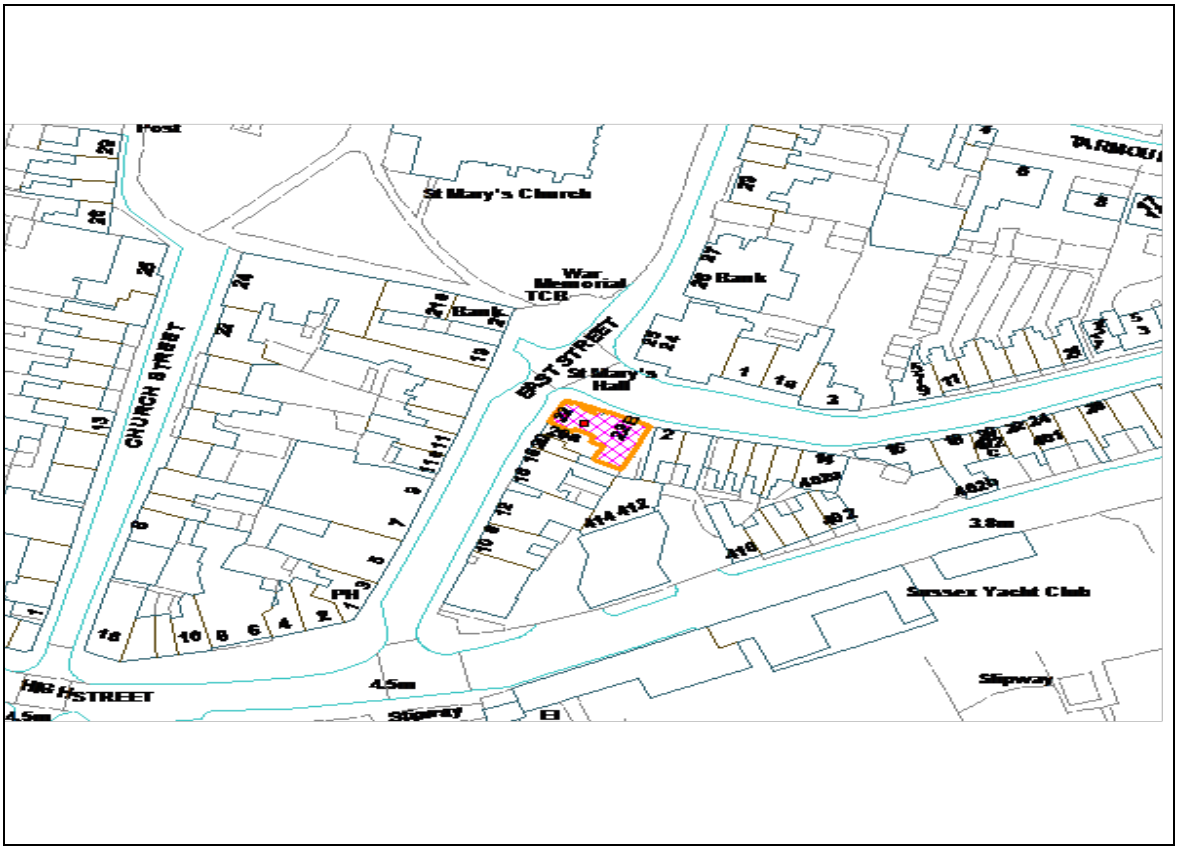
Application Number: AWDM/1291/15 **Recommendation – GRANT advertisement consent**

Site: **22 East Street, Shoreham-by-Sea (La Galleria)**

Proposal: **Advertisement Consent for the retention of 1 x fascia sign at ground floor level on the northern and western elevations, the removal of illumination serving the central sign on the northern elevation, the removal of an existing sign on the chimney breast and the replacement of existing blue lighting with warm white lighting for La Galleria (part retrospective).**

Applicant: Mr I Yessilyurt Ward: St Mary's
Case Officer: Gary Peck



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

This application seeks advertisement consent for the retention of signage and lighting at La Galleria restaurant.

Members will recall that in September 2015 an enforcement report was considered by Committee in respect of various unauthorised alterations that had been carried out to the building. These included:

- The installation of external lighting
- The installation of external speakers playing Italian music
- The repainting of the exterior of the building in grey
- The installation of a replacement uPVC window
- The flying of Italian national flags and “La Galleria” house flags
- The display of alternative advertisements

The recommendations to the Committee were that:

1. That Officers will seek to negotiate a compromise solution is sought whereby the colour is altered to a warm white and the level of luminescence is reduced.
2. That in respect of the speakers no further action can be taken by the Local Planning Authority and that this matter rests with Environmental Health.
3. That in respect of the grey paint, this operation is permitted development and no further action can be taken.
4. That in respect of the replacement window it is not expedient to pursue enforcement action.
5. That in respect of the flags it is not expedient to pursue further action.
6. That if the replacement fascia sign is not removed within 28 days of the date of the meeting Legal Services shall be instructed to prosecution proceedings in respect of the offence of displaying an unauthorised advertisement.

The Committee endorsed the recommendation and felt that in reference to point 1, this could be resolved by the submission of an advertisement consent application.

The current application proposed the retention of the lighting with ‘colour to be agreed’ and the retention of the 1 illuminated sign, 1 plain sign and 1 fascia sign on the northern elevation of the building and 1 fascia sign on the western elevation.

The application site is prominently located within the Shoreham Town Centre Conservation Area being situated on the corner of East Street and New Road. St Mary

de Haura Church, which is Grade I listed, is a short distance to the north west and the building is clearly visible from within the churchyard. The site is also within an Area of Special Advertisement Control.

Relevant Planning History

None directly relevant to the determination of the application

Consultations

Adur Conservation Advisory Group: No objection

Shoreham Society: Has been very concerned about the measures taken without permission. Particularly alarmed at the steps that have been taken to install blue lighting along East Street and illuminated signage on the gable facing north. Such illuminations are unacceptable in the Conservation Area and have until similar developments have been absent. Both features are widely visible and would set a precedent if approved. The central conservation area makes Shoreham what it is and the application should be refused.

Representations

1 letter of support has been received stating that the extra lighting adds a pleasant glow to the corner which is naturally very gloomy and at dusk creates a safer and more pleasant environment

6 letters of objection have been received on the grounds that the lighting and signage is completely inappropriate for such a sensitive conservation area, if approved retrospectively would set a precedent, is overbearing, little point having a Conservation Area if it is going to be ignored, every other business abides by the rules of the Conservation Area.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB4, AB17

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or

refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issue in the determination of this application is the effect of the proposal upon the character and appearance of the area.

In respect of the lighting, the previous enforcement report stated:

During the day the lighting units, in their own right, may appear fairly unobtrusive, however, Officers are concerned regarding the appearance of the lighting at night. This is particularly as a result of the blue colour which the property owner has chosen. The resulting modern appearance is out of keeping with and detrimental to the more traditional appearance of the wider Conservation Area.

Officers suggest, at this stage, that they attempt to negotiate a compromise solution with the owner as part of the wider scheme of works whereby the lighting may be retained but the colour altered to a warm white and the level of luminance reduced.

As such, the submission of a subsequent advertisement consent proposal requires the above conclusion to be re-examined but following a further site visit, it is considered that there is no reason to differ from the conclusion expressed above. While the Council should wish to support local businesses where possible, this cannot be at the expense of visual amenity, especially in the location of the application site which is one of the finest areas in the town. In the evening, the current blue lighting is considered obtrusive, being especially visible from the north (and hence the Church). The applicant's agent has been informed of this and has agreed to amend the application so that the blue lighting is replaced with warm white lighting (as per the last enforcement report) although the degree of luminance has yet to be finalised.

It is considered that subject to the level of luminance being agreed, an alteration to warm white lighting would strike an acceptable compromise between the needs of the business and the necessity to maintain the visual character of the Conservation Area.

With regard to the signage, the previous enforcement report stated:

The previous externally illuminated fascia sign that was installed on the north elevation of the building was granted temporary advertisement consent in 2004 for 5 years (SU/7/04/TP refers). This has now been replaced with an internally illuminated fascia sign with blue lettering for which advertisement consent has not been granted.

At the time the above application was granted an advertisement similar to the one currently in situ on the chimney breast was being displayed. This matched however in terms of colour and font the fascia sign for which consent was sought. The sign on the chimney breast has been replaced and no longer matches the fascia sign. The new internally illuminated sign is now the third sign to display the restaurant name on this north elevation. The cumulative effect of these advertisements creates an unacceptable level of visual clutter. The modern form and design of the advertisement is out of the keeping with the building and the wider Conservation Area. The use of the blue lettering is stark and lacks respect for the heritage assets of the surrounding area, this is particularly exacerbated at night when the blue lettering is illuminated from within.

The installation of this advertisement results in an obtrusive and incongruous feature that is visually out of keeping with both the host building and the surrounding area, it neither preserves nor enhances the character or appearance of the Conservation Area and, in light of the numerous other advertisements already on display, is an unnecessary addition. It should, in your Officers opinion, therefore be removed.

As stated above, there are now 3 signs on the northern elevation displaying the name of the restaurant. The fascia sign above the main restaurant window on this elevation is not of concern being modest in size and of traditional appearance, and in fact arguably of more traditional appearance than previous signage. However, the illuminated sign in the central part of the building and the sign on the chimney breast immediately to the right when viewed from the road are considered to be cumulatively unacceptable. Because of their very close proximity, these latter 2 signs cannot be considered to be both necessary in terms of advertising the business.

The previous enforcement report identified the illumination of the central sign to be unacceptable and, again, there is no reason to differ from this conclusion. The lettering on the sign is blue and when internally lit is obtrusive in the locality. There could be a case for arguing that the sign is removed altogether but its position, centrally on the building and most clearly visible from East Street, is the most logical for a sign. It is the sign on the chimney breast next to it that has little apparent benefit. Its removal would not adversely affect the character of the area and as there is a menu board on the chimney breast below the sign, there will not be an unnecessarily bare part of the building.

The applicant's agent has therefore agreed to the removal of the sign on the chimney breast and the removal of any illumination from the central sign. Although the blue lettering on the central sign will remain, its overall style is similar to the sign considered acceptable on the northern elevation and indeed the sign on the western elevation, which has also been included within the application.

In summary, therefore, it is considered that the replacement of the blue lighting with white lighting, the removal of illumination from the main central sign and the removal of the sign from the chimney breast is an acceptable solution.

Recommendation

To GRANT advertisement consent

Subject to Conditions:-

01 The existing blue lighting, including that which illuminates the central sign, shall be removed no later than 28 days from the date of this permission.

02 Details of the proposed warm white lighting shall be submitted to and approved by the Local Planning Authority prior to its installation. The approved details shall be maintained thereafter. There shall be no illumination of the central sign on the northern elevation at any time.

03 The existing fascia sign on the chimney breast on the northern elevation shall be removed no later than 28 days of the date of this permission

04 Standard advert conditions:

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.

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.

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.

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.

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.

This consent shall expire at the end of the period of 5 years beginning with whichever is the earlier of (a) the date of commencement of the display or (b) 6 months from the date of this consent.