

<u>No:</u>	BH2021/03134	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Advertisement		
<u>Address:</u>	30-31 Foundry Street Brighton BN1 4AT		
<u>Proposal:</u>	Display of 1no externally illuminated projecting lettering sign, 1no non-illuminated painted sign and 1no non-illuminated name plate sign and 1no non-illuminated hand painted sign. (revised signage).		
<u>Officer:</u>	Christopher Leary, tel:	<u>Valid Date:</u>	14.09.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	09.11.2021
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Chalk Architecture Ltd Chalk Architecture Ltd. Unit D Level 8 North New England House Brighton BN1 4GH		
<u>Applicant:</u>	Oakley Property (Sussex) 23/24 Marlborough Place Brighton BN1 1UB		

1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Advertisement Consent subject to the following Conditions and Informatives.

1. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of visual amenity.
2. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety.
3. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

4. 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: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. 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:** To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The illumination of the advertisement shall be non-intermittent.
Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

7. The illuminated advertisement hereby approved shall not be illuminated later than 19:00 and shall not be illuminated before 07:00 on any day.
Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Proposed Drawing	P204		18 November 2021
Proposed Drawing	P202 B		18 November 2021
Location and block plan	A00	A	14 September 2021

2. SITE LOCATION

- 2.1. This application relates to 30-31 Foundry Street, an unlisted commercial building located within the North Laines Conservation Area. The area is primarily residential in character, with the exception of the Foundry public house opposite the application site. The subject site is a three storey rendered industrial building originally built in the 1800s as two separate properties, but is now connected internally.

3. RELEVANT HISTORY

No relevant site history.

4. APPLICATION DESCRIPTION

4.1. Advertising Consent is sought for the display of four signs:

- one externally-illuminated projecting lettering sign;
- one non-illuminated painted sign;
- one non-illuminated name-plate sign; and
- one non-illuminated hand painted sign.

4.2. All signs are to be located on the street-facing façade of the building, with the illuminated, projecting sign to be fixed to support rods at first floor level.

5. REPRESENTATIONS

5.1. **Six (6)** representations were received objecting to the advertisements on the following grounds:

- Impact on amenity to neighbour in close proximity to the site in relation to light pollution and hours of lighting of the sign.
- Impact upon the character of the streetscene in a heritage area
- The 'un-aesthetic' nature of the sign
- Detrimental effect on property value
- Poor design
- Adverse effect on conservation area

North Laines Community Association

5.2. Objections relating to:

- The oversized design of the sign
- Residents opposite will be affected by the illuminated lettering
- Views from each end of the street will be compromised by this unattractive sign
- That the advertisement should be refused as advertisements or signs above first floor level would be out of keeping and harmful to the visual integrity of the street
- The notion that the North Laines conservation area does not need a 'wayfinding' sign which would damage the character of the area

5.3. Re-consultation was undertaken for a revised scheme received on the 18th November:

5.4. **North Laines Community Association** A further representation was received following re-consultation which stated that in light of the revised design to the development, they wished to withdraw their objection to the application.

6. CONSULTATIONS

- 6.1. **Heritage 08/11/21**
Object - note that signage is not a strong characteristic of Foundry Street, and with the exception of the traditional signage on the pub there is nothing above ground floor level; proposed projecting illuminated lettering on the first and second floor level would be dominant in the street scene.
- 6.2. **Final Heritage response upon receipt of amended design (15/11/21)**
Preference for a hand painted sign which portrays grey branding of the business upon the façade was indicated by the heritage consultant and additionally it was suggested that a condition should be attached to the advertising consent should ensure that the corten steel should be fixated by a material that would not corrode upon the masonry to which the sign is attached, to reduce this problem.
- 6.3. **Transport Verbal Consultation 24.11.2021: No objection**
No objection was raised to the proposal.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM18	High quality design and places
DM20	Protection of Amenity
DM24	Advertisements
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel

Brighton & Hove Local Plan (retained policies March 2016):

QD12	Advertisements and signs
HE9	Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

TR7	Safe development
QD5	Design - street frontages
QD12	Advertisements and signs
QD27	Protection of amenity
HE9	Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Supplementary Planning Documents:

SPD07 Advertisements

8. CONSIDERATIONS & ASSESSMENT

- 8.1. In accordance with Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and paragraph 132 of the NPPF, in determining applications for advertising consent, the only material planning considerations relate to interests of amenity and public safety. There is no indication in the Regulations, the NPPF or Planning Practice Guidance that any other factors can be taken into account either for, or against, a proposal (other than signposting in rural areas).

Design and Visual Amenity

- 8.2. As set out above the application site is located within the North Laine Conservation Area.
- 8.3. When considering an application for advertisement consent in relation to buildings or other land in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 8.4. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 8.5. Because of concerns over the impact on the conservation area, amendments were sought during the course of the application. The externally illuminated projecting lettering sign spelling 'Oakley' was proposed to be project from the building approximately 3.6 metres above the public footway, with a sign of some 4.5m in height extending from the sill of the first floor level to the roof level, illuminated with white bullet lights (maximum of 600 candela per m2). In addition, a sign measuring 0.55m x 0.55m was proposed on the building frontage to replace the existing business name plate present.
- 8.6. With the revised scheme, the illuminated sign has been reduced to the letter 'O' of 0.6m X 0.6m and 10mm thick, sited some 2.6m above the public footway, with the same illumination, with the hours of illumination limited by condition to between 0700 and 1900.

- 8.7. A non-illuminated, grey, hand-painted sign is proposed with the inscription 'Property Works' in white, to be located above the main entrance. It would measure 2.5m X 0.4m.
- 8.8. A further non-illuminated name-plate sign would be located to the left of the main entrance and fixed to the face of the building with projecting pins. The sign is to be a free cut corten sign with 'Oakley' painted in white, and would replace an existing fascia sign sited in the same location on the face of the building.
- 8.9. A fourth sign would be non-illuminated, and hand-painted, measuring 1.2m X 1.3m. It would display the business name, and would be sited at first floor level, but would not exceed the highest part of the first floor windows.
- 8.10. All of the signage detailed above is considered appropriate in style and size for the host building and would not result in a form of advertising which would adversely harm the historic character or appearance of the host property or amenity of the relevant street scene and wider area, including the heritage features in the surrounding Conservation Area.

Impact on Safety

- 8.11. The proposed projected sign, at its lowest height, is approximately 2.67m above the public footway. Transport Officers have assessed any safety risk in relation to the public highway and confirmed that they have no objection to the advertisements, subject to the usual conditions being imposed.

Conclusion

- 8.12. The principle of the proposed advertisement is considered acceptable following the submission of the amended plans which reduced the size of the illuminated sign. The amendments have addressed the previously identified adverse impacts on the historic character and appearance of the North Laine Conservation Area and as such it is now considered that the proposed adverts would not have detrimental impacts upon the historic character and appearance of the host property, the relevant street scene and wider Conservation Area. In addition it is considered that the signage would not result in hazard to public safety.
- 8.13. Additionally a condition has been attached to limit the illumination of the sign to the normal working hours of the day to address any concerns raised by neighbours in the predominantly residential street.
- 8.14. Overall it is considered the proposed signage would not harm the appearance of the wider street scene, conservation area or result in hazard to public safety, in accordance with policy TR7, QD5, QD12, QD27, HE9 and SPD07 guidance of The Brighton and Hove Plan and SA2, CP12, CP13 and CP15 of the City Plan Part One. Additionally the Proposed Submission of the City Plan Part Two which is gathering weight, namely policy DM24, DM26 and DM33, which is considered to have more weight than the adopted Local Plan policy QD12.

9. EQUALITIES

None identified

