

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	4/13/01590/AD
FULL APPLICATION DESCRIPTION:	Retention of illuminated signage to building including free standing sign
NAME OF APPLICANT:	Mr G Kennedy Bells Fish Shop The Garth Sunderland Road
ADDRESS:	Gilesgate Durham DH1 2LG
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. Bells Fish shop is a single storey business premises which sit on Sunderland Road, Gilesgate, to the east of Durham City. There is a yard area to the rear of the premises and a parking area to the front.

2. To the west of the site sits Marshalls General Store, which is a two-storey property in mixed residential and commercial use. To the east of the site, sits a pharmacy housed within a single storey building. To the south of the site sit residential properties on St Josephs Close. To the north of the site sit two storey residential dwellings at Musgrave Gardens, which front towards Sunderland Road at varying angles. In a wider context, the Moorlands, a residential terrace sits beyond Marshalls Stores. To the east beyond the pharmacy lies a veterinary centre. Site levels are reasonably flat, although there appears to be a slight fall in land levels moving east to west.

PROPOSAL

3. The application seeks to retain illuminated signage that has been erected on the building itself and to the front of the building. All signs are circular in shape and bear the text 'Bells Fish & Chips' placed above and below the graphic of a fish. The signs are black with blue and white writing with illumination provided to the text and the symbol only.

4. The signage that has been placed on the building itself consists of two round illuminated signs. One sign is placed to the east facing side elevation of the premises. This sign is positioned 4.2m above ground level and has a diameter of approximately 1.5m. A further sign of the same size is placed to the front north facing elevation of the premises, this sign being placed 1.4mtrs above ground level.

5. A freestanding sign has been placed to the front of the premises. This sign is of the same dimension and design as the signs on the building itself and is placed on a matching supporting post at approximately 2mtrs above ground level.

6. The application has been called up to committee by Councillor Conway due to matters relating to the amenity of occupiers of the residential area opposite the site.

PLANNING HISTORY

7. A planning application was approved under delegated powers in 2013 for the conversion of a former residential bungalow on the site to a fish and chip shop.

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Paragraph 67 relates to advertisements and 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.

LOCAL PLAN POLICY:

12. *Policy Q16 - Advertisements* states that advertisement consent will be granted for non illuminated and illuminated signs provided that their size, design, materials colouring, and in the case of illuminated signs on commercial premises for appropriate uses and particular opening hours, their form of illumination would not be detrimental to visual amenity or highway safety. The

Policy states that particular attention will be paid in relation to the impact of advertisements upon Conservation Areas and Listed Buildings.

13. *Policy H13 - Residential Areas – Impact upon Character and Amenity* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

14. *Policy T1 - Traffic – General* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property

EMERGING POLICY:

15. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in Spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The Following policy is considered particularly relevant.

16. Policy 18 Local Amenity – In order to protect the amenity of people living and working in the area of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity by way of noise, overlooking, privacy, vibration, dist, fumes/emissions, light pollution and loss of light and visual intrusion.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm> in relation to the City of Durham Local Plan and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/> in relation to the County Durham Plan.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

17. Highways Development Management has offered no objections to the application.

PUBLIC RESPONSES:

18. Councillor Conway has raised reservations about the free standing sign and the level of illumination and has also expressed concerns that the signs have been left on outside of trading hours.

19. Six letters of representation have been received relating to the application, these have included five letters of objection. Particular issue has been raised with regard to the freestanding sign that some objectors consider an unnecessary visual intrusion and road safety hazard.

20. Some objectors consider that the signs in general have altered the character of the locality giving it the feeling of a commercial area while mainly residential and consider that the signs set a precedent for further commercial adverts in the area. Light pollution is a cause for concern with objectors concerned about light shining into opposing properties, while some consider the signs too bright. Reservations have also been put forward surrounding the size of the signs. Concern is expressed that no consideration is being given

to the local residents of the area. Objectors suggest the signs have been left on 24 hours per day and draw objection to this matter.

21. One letter suggests that it may be reasonable for the chip shop to have the adverts illuminated during opening times but consider it unreasonable that the signage should be illuminated while the shop is closed.

APPLICANTS STATEMENT:

22. This document has been prepared in support of the current application outlining the justification for the advertising signs, their design and the lighting controls.

23. The current planning approval for the business premises indicates illuminated signage in the form of one disk shaped sign on each of the front and two side elevations. It is normal practice for business premises to advertise their business and particular the fast food service industry. With that in mind we had hoped originally that the signage would be visible to vehicles travelling in both directions along Sunderland Road. During the course of construction we determined that because of the close proximity and height of the adjoining shop one sign would be partially obscured from sight for vehicles travelling out of the City Centre. A stand- alone sign was considered to be the best solution to that particular problem which in principle is the same solution found in some fast food retailers, public houses and retail parks. This stand-alone illuminated sign would replace and not augment the original sign proposed for the West Gable Elevation.

24. The circular disk signage' graphics are the same both on the building and on the stand-alone sign and display the name and purpose of the business along with a fish logo identifying the brand image of Bell's Fish and Chip Shop. The colours were chosen to enhance the colour pallet used in the building materials and finishes, blending in with the boarding and window trim. The illumination level was considered and is in line with manufacturer's recommendations for it's location, to display the sign without causing glare to traffic using Sunderland Road. It is the owners intent that the signs will be illuminated only when the business is open and timers have been installed to control the lighting to that effect.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at http://fred:8080/IDOXSoftware/IG_search?app_id=1002&menu=1&FormParameter1=CE1301590AD&FormParameter2=100110710881&code=EALJKISTSA

PLANNING CONSIDERATIONS AND ASSESSMENT

25. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development at the site, impact upon character and amenity of the area and highways issues.

The Principle of the development of the site

26. Policy Q16 of the City of Durham Local Plan relates to advertisements and states that advertisement consent will be granted for non illuminated and illuminated signs provided that their size, design, materials and colouring, and in the case of illuminated signs on

commercial premises for appropriate uses and particular opening hours, their form of illumination would not be detrimental to visual amenity or highway safety.

27. Officers consider that the advertisements are acceptable in relation to their size, design, materials and colouring. The signage has a modern appearance and design, which is in keeping with the recently opened fish and chip shop. In its built form, the signage does not appear alien to the surrounding street scene. The sizes of the signs are considered acceptable. They appear well proportioned in relation to the business premises and do not over dominate the building or plot. Officers acknowledge that the size of the freestanding sign is perhaps slightly large, although the size is not considered so excessive as to warrant the refusal of this aspect of the application. The materials used, being steel powder coated in RAL 7024 grey with vinyl signage are considered acceptable and such materials are fairly common for this type of signage. The colouring to the signs themselves is relatively low key and in keeping with the appearance of the premises as a whole.

28. Officers consider the principle of illuminated signage at the site acceptable, in the context of the recent planning permission for use of the premises as a fish and chip shop. The site sits outside of the City of Durham Conservation area and the premises have a justified evening use.

Residential Areas – Impact upon Character and Amenity

29. Policy H13 of the City of Durham Local Plan 2004 states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them. Officers acknowledge concerns of local residents over the development of the fish and chip shop and in relation to the signage that has been erected at the site.

30. Officers have taken the time to view the signage when illuminated from residential property across from the site on Musgrave Gardens. It is acknowledged that the signage introduces further development to the site following the development of the host premises. The signage does alter the outlook from windows to surrounding property, particularly on properties opposite during hours of darkness. However due to the type of illumination that is present, light overspill is limited. The illumination while clear and bright is built into the signage and illuminates only the text and symbols of the signs and is not considered to emit or produce a significant glare. Officers consider it reasonable that during hours of darkness and during the winter residents would generally draw curtains to habitable rooms, thus screening the signage from direct view.

31. Officers have also considered the distances at which the signage is viewed, particularly in relation to those properties opposite on Musgrave Gardens. The free standing sign would be viewed from habitable room windows at distances in excess of 30mtrs from 109 and 110 Musgrave Gardens and even longer distances in relation to 93 and 94 Musgrave Gardens. Officers consider these distances significant and do not consider that at this level of separation the signs would have a significant adverse effect on the amenities of surrounding residents in terms of visual intrusion. The signage is also viewed from properties opposite in the context of the illuminated internal ground floor of Marshalls Store, the illuminated internal areas of the chemist with large glass frontage, the illuminated pharmacy sign and the illuminated advert within the nearby bus stop.

32. The character of the area has been at the forefront of Officers minds when considering this application. The site is set within a run of properties on Sunderland Road that are commercial in nature. Although also housing residential accommodation to the rear and first floor, Marshalls Store sits to the west, while Whitfields pharmacy sits to the east. Beyond this sits a veterinary centre and a parade of shops. In summary, the premise sits on a reasonably busy road that forms one of the main routes into Durham from the East with the

immediate area being mixed commercial and residential. With this in mind commercial illuminated signage is not considered out of keeping with the character of the area. There are other areas in Durham where areas of residential development abut areas of commercial development that incorporate illuminated signage.

33. Officers do however consider it reasonable to limit the illumination of the signage to the opening times of the premises only, due to the presence of residential property in the locality. The opening times approved in line with the previous application at the site are between 11am and 9pm. Officers consider that this would go some way to addressing the concerns of surrounding occupiers.

Highways Issues

34. Highways Development management has offered no objections from a highways aspect. It is therefore concluded that the form of illumination to the signage would not be detrimental to highway safety. The signage scheme as a whole is not considered harmful to highway safety and is therefore considered to accord with Policies T1 and Q16 of the City of Durham Local Plan 2004 and Part 4 of the NPPF in this respect.

CONCLUSION

35. Officers consider that the principle of the development is acceptable as the proposed advertisements are considered acceptable in relation to size, design, materials and colouring, while illumination to signage at the site is considered acceptable given that the premises has an established night time use to 9pm.

36. Officers do not consider that the advertisements have a significant adverse effect on the character or appearance of the area, or the amenities of residents within it due to the distance of opposing residential property to the signage and due to the underlying character of the area, which is mixed commercial and residential development. The inclusion of a condition limiting hours of illumination to the signage is also considered key in this respect.

37. No issues relating to highway safety have been identified and Officers consider the scheme acceptable in this regard. Local Planning Authorities are required to exercise their powers under the advertisement regulations with regard to amenity and public safety and the advertisements are considered acceptable in relation to these matters.

38. Taking all relevant planning considerations into account, Officers consider the application to meet the requirements of the National Planning Policy Framework Parts 4 and 7 and Policies H13, Q16 and T1 of the City of Durham Local Plan 2004.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby approved shall be maintained in strict accordance with the following approved plans (Drawing MJH.1112.105 and supplementary photographs received 10th December 2013)

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

2. This consent to display the advertisement(s) is for a period of five years from the date of this permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

3. The signs approved under this application shall be illuminated during the opening hours of the premises only..

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

4. Any advertisements displayed and any site used for the display of advertisements shall be maintained in a condition which does not impair the visual amenity of the site.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

5. 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 comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

6. Where any advertisement is required under these Regulations to be removed, its removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

7. No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission.

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

8. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway sign or aid to navigation by water or air, or so as to otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 7 of the NPPF and saved Policy Q16 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 City of Durham Local Plan 2004
 Response from Councillor Conway
 Response from Objectors
 Consultation responses



Planning Services

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Retention of illuminated signage to building including free standing sign.

**Date 11th February
 2014**