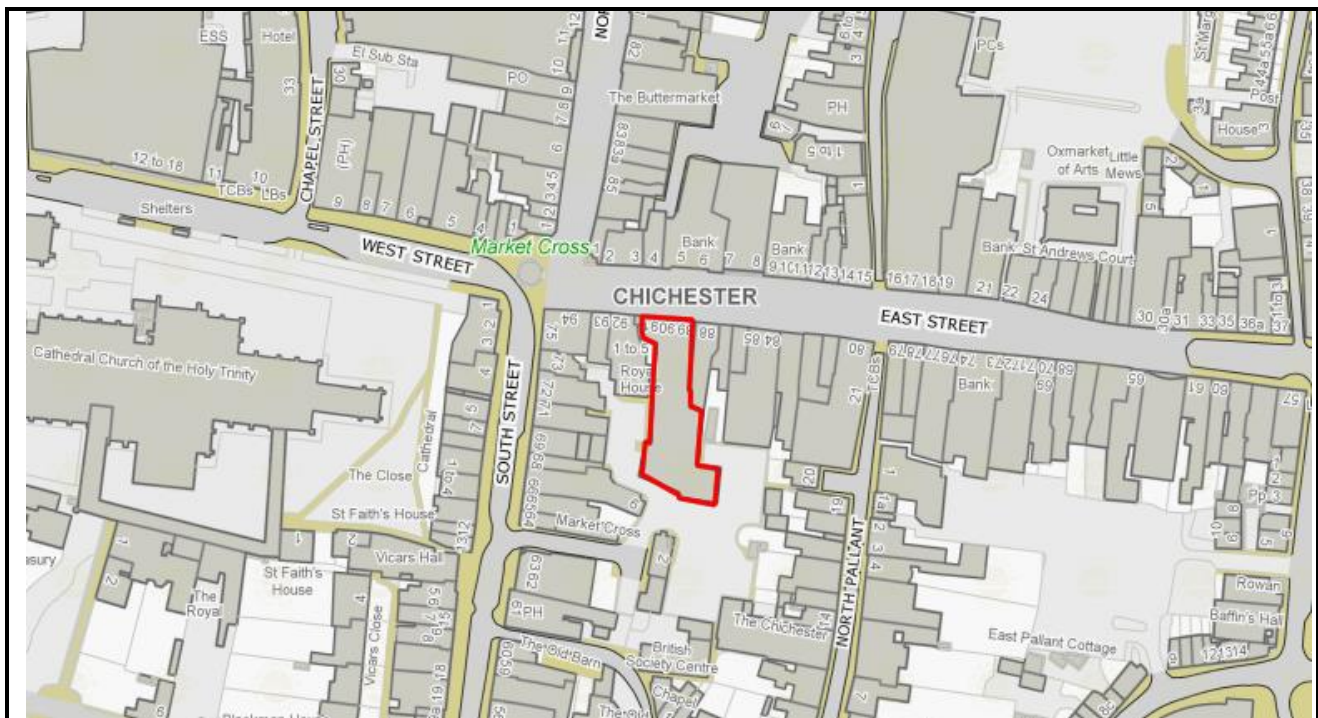



Parish: Chichester	Ward: Chichester Central
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CC/21/03119/ADV

Proposal	1 no. externally illuminated fascia sign, 1 no. internally illuminated brass mer board, 4 no. awnings with lettering and 3 no. lettering on glazing.		
Site	89-91 East Street Chichester PO19 1HA		
Map Ref	(E) 486104 (N) 104780		
Applicant	Troia (UK) Restaurants Ltd	Agent	Mrs Kate Roberts

RECOMMENDATION TO PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

1.1 Parish Council Objection

2.0 The Site and Surroundings

- 2.1 The application site is located on the high street, south of East Street in Chichester City Centre within the Chichester settlement boundary area and Chichester Conservation Area.
- 2.2 The application building is not listed. The site is currently vacant and was last used as a retail store at ground level. The ground floor character of the surrounding area is predominantly commercial, comprising shops and services. The surrounding retail units have a variety of existing signage, which mostly take the form of a branded fascia.
- 2.3 The application is submitted alongside a full application for physical alternations to enable to commercial unit to be occupied by 'The Ivy' restaurant chain, and to which these proposed advertisements relate.

3.0 The Proposal

- 3.1 This application relates to the advertisements connected with the proposed use of the property at 89-91 East Street as a restaurant. A separate planning application has also been submitted for the physical works required for the building, in relation to the proposed occupation and use of the site by 'The Ivy' restaurant chain (21/03118/FUL). These applications are related but separate and this application should be considered on its own merits.
- 3.2 For planning purposes, an 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as:

“any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”
- 3.3 The externally illuminated fascia sign comprises gold colour letters made from bronze, spelling out 'The Ivy'. The letters are proposed to be 350mm tall and the total signage width would be 2945mm. The bronze letters would be attached to the fascia to be painted 'smoke green', a pale grey-green colour.
- 3.4 The proposed fascia sign has been amended over the course of the application process to address concerns from consultees. The amended proposal omits the originally proposed internal illumination and instead proposed external illumination via small LED strip lighting hidden behind the proposed canopy of the shopfront.
- 3.5 The internally illuminated menu board is proposed to be located within the property, next to the ground floor customer entrance and facing out from the shopfront. The menu board would be hold A3 and A5 size menus in two cases, with a total height of 852mm high and 601mm wide. The internal illumination would highlight the menu for customers entering or walking past the proposed restaurant.

3.6 The proposed lettering on the awnings and glazing of the shop front window would also spell out 'The Ivy'. The awning lettering would be painted gold in colour on green fabric awnings at 100mm tall and total signage width would be 855mm. The vinyl lettering on the shopfront would be green in colour and 85mm tall and 320mm wide per word (two words).

4.0 History

94/00373/CON	PER	Partial demolition (rear) of existing non listed building to enable future extension of retail store facilitating ground floor level sales area.
94/00496/FUL	PER106	Re-build of rear of store to provide new ground floor sales area and first floor stock area, boiler room incorporated within first floor accommodation. External plant area screened by extending mono pitched roof.
10/02312/ADV	PER	Proposed new signage (non - illuminated).
10/02319/LBC	APPRET	Refurbishment of existing Boots retail unit
10/02311/FUL	PER	Refurbishment of former Boots retail to form new Topshop / Topman unit.
21/03118/FUL	PCO	Internal and external alterations, including alterations to shopfront, outdoor seating area including awnings and placement of tables/chairs/planters, installation of roof lanterns, installation of plant equipment and installation and display of advertisements.

5.0 Constraints

Listed Building	NO
Conservation Area	YES
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council (Chichester City Council)

Objection to the internally illuminated signage and menu board which is contrary to the relevant design guidance and would harm the character and appearance of the conservation area. Signage should be hand painted.

6.2 CCAAC

The Committee objects to this Application. The internally illuminated fascia sign does not comply with CDC Shopfront guidance and no street number is displayed.

6.3 CDC Conservation and Design

Further comments (received 12.01.2022)

The amendments are suitable and there are no further objections in conservation and design terms.

Original Comments

Thank you for consulting Conservation and Design on the applications at the above property which is not listed but lies within the Chichester Conservation Area.

The proposals are generally acceptable but the advert should make use of external illumination rather than internal. The internally illuminated menu board is acceptable and so small it would have no real impact on the streetscene.

6.4 Third party comments

1 third party representation has been received concerning the following matters:

- a) Welcome the imminent arrival of the Ivy in Chichester.
- b) The proposal for illuminated signage and menu box are in contravention of the Council's requirements for shopfronts in the City centre Conservation Area.
- c) The land grab for pavement seating at 4 metres deep is excessive at this busy part of East Street close to the Cross and will clash with the street market.
- d) Request that the application is modified in these respects.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 10: Chichester City Development Principles

Policy 27: Chichester Centre Retail Policy

Policy 47: Heritage and Design

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in July 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 12, 14 and 15. Consideration has been given to paragraph 132 in particular, as this relates specifically to the control of advertisements. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- Chichester District Council Shopfront and Advertisement Design Guidance Note
 - Chichester Conservation Area Character Appraisal

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 Advertisement applications must be considered in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. These regulations allow the LPA to consider amenity and public safety; taking into account the development plan, so far as they are material, and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Factors relevant to public safety include the safety of persons using any highway, whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of any traffic sign, and 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.

8.2 The main issues arising from this proposal are:

- i. Design and Impact upon visual amenity, character of the area and setting of heritage assets
- ii. Impact upon public amenity and safety

Assessment

ii. Design and Impact upon visual amenity, character of the area and setting of heritage assets

8.3 Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas, respect distinctive local character and maintain the individual identity of settlements. The Chichester Conservation Area has a number of Listed Buildings located within it.

8.4 The proposed fascia sign is considered to be a significant improvement on the current signage. The proposed colours of 'smoke green' painted façade with gold coloured bronze lettering meet with the preference for muted colours and painted fascias set out within the Chichester District Council Shopfront and Advertisement Design Guidance Note. The lettering would be 35cm in height, lower than the maximum suggested in the Shopfront and Advertisement Design Guidance Note. Whilst painted lettering is preferred under the guidance, it is considered that the proposed metal lettering on a painted fascia is acceptable given the building is not listed and it has for many years featured a modern shopfront and fascia. The agent has also confirmed that the street number will be displayed, as per the requirements of the Shopfront and Advertisement Design Guidance Note. A standard informative is recommended to remind the applicant of this requirement.

- 8.5 The application has been amended to replace the proposed internal illumination of the fascia signage with external illumination. The Shopfront and Advertisement Design Guidance Note allows for external illumination where the proposed use of the site to which the advert relates is open in hours of darkness, such as a restaurant. The proposed hours of operation are Monday - Saturday 8am-midnight and 9am-11pm on Sundays and bank holidays. The guidance also allows for carefully positioned spotlights. The use of small LED strip lighting, as proposed here, would be hidden from view by the proposed canopy and is considered acceptable. The level of illumination would be restricted by condition to not exceed 320.00cd/m, which reflects other recent advertisement consents in the Conservation Area.
- 8.6 The proposed menu board would be illuminated but would be very small in scale and have limited visual impact. The purpose would be for customers to be able to view the board in the hours of darkness when the restaurant is in use. The proposed colour of the menu board would be gold to match the proposed fascia lettering. The level of illumination would again be restricted by condition to not exceed 320.00cd/m.
- 8.7 The proposed canopy and shopfront signage would be non-illuminated, small scale and in-keeping with the proposed muted colours of the shopfront. The vinyl lettering would not dominate the shopfront and a clear view into the unit would be achievable as desired within Shopfront and Advertisement Design Guidance Note.
- 8.8 The canopy would be approximately 2.5m from ground level when open and more than 45cm away from the carriageway (in this case, the pedestrianised road laid out in brick along East Street), as required within Shopfront and Advertisement Design Guidance Note. It would be traditional in appearance, as per the examples set out in the Shopfront and Advertisement Design Guidance Note (page 10).
- 8.9 Overall, having regard to the above and subject to conditions, it is considered that the proposal would be appropriate in terms of size, colour, siting, and design, and would not result in visual clutter which would be harmful to the appearance of the Conservation Area or the setting of the Listed Buildings located within the vicinity. It is considered that the finish of the shopfront is in accordance with the CDC Shopfront and Advertisement Design Guidance Note and has been found acceptable by the Council's Conservation and Design Officer.

iii. Impact Upon Public Amenity and Safety

- 8.10 Section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) permits the display of advertisements where they do not adversely impact upon the interests of amenity or public safety.
- 8.11 As the proposed canopy and shopfront signage would be non-illuminated, and that canopy would be approximately 2.5m from ground level when open and more than 45cm away from the carriageway as described above, it is considered that there will be no adverse impact on public amenity or public safety if advertisement consent was granted. The proposed menu board would be illuminated but would be very small in scale and have limited visual impact. The purpose would be for customers to be able to view the board in the hours of darkest when the restaurant is in use.

8.12 The fascia sign is proposed to be externally illuminated by external strip lighting to be hidden behind the proposed canopy. A condition is recommended to ensure the level of illumination is acceptable in terms of public amenity and safety. The level of allowed illumination will be consistent with other recent advert consents granted in the conservation area.

Other Matters

8.13 It is noted that the third party comments mention the proposed seating area and the extent to which this would be set out onto the public highway. The proposed seating area does not form part of this application, instead being considered under the live application for the physical alterations associated with the building (21/03118/FUL).

Conclusion

8.14 Based on the above it is the proposed adverts would not be harmful to the character and appearance of the area, the setting of heritage assets, or cause harm to users of the public highway. The proposal therefore complies with the development plan and therefore the application for advertisement consent is recommended for approval subject to conditions.

Human Rights

8.15 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The works associated with the display of the advertisement(s) hereby permitted shall not be carried out other than in accordance with the plans listed below under the heading "Decided Plans".

Reason: For clarity and in the interest of proper planning.

2) The illumination of the advertisements hereby approved shall not take place other than during dark hours and during the opening hours of: 08:00 - 00:00 Monday to Saturday (including midnight Sunday morning) and 09:00 - 23.00 Sundays and bank holidays.

Reason: In the interests of visual amenity.

3) The illumination levels of the externally illuminated sign fascia sign and menu board shall not exceed 320.00cd/m at any time.

Reason; in the interest of visual amenities and preserving the character of the Chichester Conservation Area.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN -	7073/230	E	13.01.2022	Approved
PLAN -	7073/231	E	13.01.2022	Approved
PLAN -	7073/232	D	13.01.2022	Approved
PLAN -	Internal Menu Board		13.01.2022	Approved
PLAN - LOCATION AND BLOCK PLAN	7073/LPB	A	22.10.2021	Approved

INFORMATIVES

1) 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.

2) The applicant is requested to ensure that the fascia sign to these premises includes the street number of the property.

For further information on this application please contact Joanne Prichard on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R1DTU1ERGT400>