

Report to: PLANNING COMMITTEE
Date: 01 July 2015
Report from: Assistant Director of Housing and Built Environment

Application Address: The Little Fish and Chip Shop, Lower Promenade, Warrior Square, St Leonards-on-sea, TN37 6FA
Proposal: Painted advertisement on roof
Application No: HS/AA/15/00392

Recommendation: Grant Advertisement Consent

Ward: CENTRAL ST LEONARDS
File No: FO50450T
Applicant: Mr Barlow 61 Quebec Road St Leonards-on-sea TN38 9HH

Interest: Freeholder
Existing Use: Fish and Chip kiosk

Policies

Hastings Local Plan 2004: DG16
Conservation Area: Yes - Warrior Square
National Planning Policy Framework: Para 67.
Hastings Planning Strategy: SC1, EN1,
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM3

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 4
Petitions Received: 0
Letters of Support: 1

Application Status: Not delegated - More than 2 letters of objection received

Summary

This application is for retrospective consent for the painted advertisement on the roof of the fish and chip shop/kiosk on the Lower Promenade in Warrior Square. The main issues are the impacts on the Warrior Square conservation area and the character and appearance of the area. After considering all matters, on balance I recommend approval for the advertisement.

The Site and its Location

The site is located on the Lower Promenade within Warrior Square. The site does not adjoin any neighbouring properties but is within close proximity to purpose built beach shelters. The site is within the Warrior Square Conservation Area and the Central St Leonards Cultural Quarter.

The advertisement is located on the north facing roof slope of the existing kiosk. Due to the differing levels from the Lower Promenade and the Upper Promenade the roof slope of the kiosk displaying the advertisement is clearly visible within the street scene of Warrior Square.

Details of the Proposal and Other Background Information

This is an application for the retention of the recently painted advertisement on the roof of the fish and chip kiosk on the Lower Promenade.

Previous Site History

Number	Description
HS/FA/13/00947	Proposed kiosk serving take-away fish and chips/refreshments (A5) and sundries (A1) - Granted - 29.01.2014
HS/CD/14/00160	Discharge of conditions 2a (extract), 2b (fryers), 2c (external materials) & 5 (refuse) of planning permission HS/FA/13/00947.

Details of Consultations

As part of this application a site notice was displayed. 4 letters of objection were received and 1 letter of support was also submitted.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In accordance with Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Local Planning Authority is to exercise its powers in the interests of 'amenity' and 'public safety'. The Hastings Local Plan 2004 may be held as a material consideration in the determination of express consent applications, as are the Hastings Local Plan Planning Strategy, the Hastings Local Plan Development Management Plan Revised Proposed Submission Version, the SPD Shopfronts and Advertisements and the NPPF.

The main policies that apply are DG16 of the Hastings Local Plan 2004, Policies SC1 and EN1, of the Hastings Planning Strategy, and the following proposed additional paragraph to policy DM3 of the Development Management Plan Revised Proposed Submission Version

"Para 2.26 Advertising can look unattractive if poorly executed. Badly designed, very bright or inappropriately sited signs can detract from the character of a building or street. The effects of advertisement on the amenity and highway safety will be carefully considered before express consent will be given. The Council has an adopted Supplementary Planning Document - Shopfronts and Advertisements, 2007, which has been programmed for updating in the current LDS"

Paragraph 67 of the NPPF is also relevant. Additional design guidance is also produced by the Council in the form of 'SPD – Shopfronts and Advertisements. The policies and guidance seek to protect and enhance appearance and design within the public realm and ensure public safety

Amenity:

Due to the location of the site and the differing land levels from the Lower and Upper Promenades the advertisement options open to the applicant are relatively limited. Also, due to the proximity to the public footpath along the Upper Promenade any form of hanging or projecting sign has the potential to have a detrimental impact on public safety.

Public Safety:

In its current form, the advertisement does not have a detrimental impact on public safety and does not cause any disruption to pedestrian flow.

Impact on the Street scene and Conservation Area:

As stated above the site is located within the Warrior Square Conservation and is clearly visible when travelling along the sea front.

I take into account the concerns raised by the local residents in relation to the impact of the advertisement and it not being in keeping with Warrior Square. However, when viewing the advertisement in the context of the wider sea front I am of the opinion that it does not have an overriding detrimental impact on its surroundings.

Conclusion:

Taking the above into account, I am of the opinion that although the placement of advertisements on roofs within a Conservation Area is not generally supported and would not be encouraged, on balance, in this instance, due to the lack of suitable alternatives the advert is acceptable.

Evidence of Community Involvement

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Advertisement Consent subject to the following conditions:

1. 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.

2. 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.
3. 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.
4. 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.
5. The period of consent lapses at the expiration of five years from the date of issue.

Reasons:

1. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
2. In the interests of safeguarding the amenities of the area.
3. In the interests of safeguarding the amenities of the area.
4. In the interests of safeguarding the amenities of the area.
5. To comply with regulation 14(5) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any advertisement may continue to be displayed after this date, subject to the same conditions as set out in the Consent and the power of the District Planning Authority to require discontinuance of the display under Regulation 8.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/AA/15/00392 including all letters and documents

