



TO: Planning Committee North

BY: Head of Development

DATE: 5th May 2020

DEVELOPMENT: Erection of 1x non-illuminated fascia sign, 1x non-illuminated hanging sign and 1x non-illuminated free standing sign car park sign.

SITE: The Rising Sun, 41 Pondtail Road, Horsham, West Sussex, RH12 5HP

WARD: Holbrook West

APPLICATION: DC/20/0169

APPLICANT: **Name:** Mr Paul Evans **Address:** Perfect Start Day Nurseries
Devonshire Business Centre 1 Cliveden Office, Lancaster Rd High
Wycombe HP12 3YZ

REASON FOR INCLUSION ON THE AGENDA: By request of the local Ward Members.

More than eight persons in different households have made written representations raising material planning considerations that are inconsistent with the recommendation of the Head of Development.

RECOMMENDATION: Approve advertisement consent subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the application.

1.1 DESCRIPTION OF THE APPLICATION

The property comprises of a two storey detached building originally used as a public house and granted consent for extension works and conversion to a children's nursery under Appeal decision APP/Z3825/W/18/3205885 following refusal of application DC/17/1704.

1.2 The application as originally submitted was for the erection of 2x fascia signs to the main building, 1x hanging sign and 1x free standing car park sign. Each sign was initially proposed to be down lit illuminated, between hours 7am-9am and 3pm-6.30pm, Monday to Friday, 1st October to 31st March only.

1.3 In response to the concerns of residents and officers the proposed illumination to the signs has now been removed, along with the originally proposed sign affixed to the side façade of the building. The signage now proposed comprises 1x non-illuminated fascia sign, 1x non-illuminated hanging sign and 1x non-illuminated free standing car park sign. The fascia sign and hanging sign effectively replace the previous public house signs.

1.4 DESCRIPTION OF THE SITE

The application site is located on the eastern side of Pondtail Road and forms a former Public House (The Rising Sun) which ceased trading in June 2017. Works for the conversion of the building to a children's nursery have commenced under planning permission DC/17/1704.

1.5 The building is two-storey with a large two storey extension (first floor accommodation within the roof space) on the northern side. When in use as a public house it is understood that tables and chairs were positioned in front of the building and also a rear garden with barbeque area for patrons. To the south side of the building is the tarmacked pub car park, laid out to accommodate approximately 17 cars and with a single vehicular ingress/egress point. There are a few trees within the site along its perimeters – primarily at its northern and southern side boundaries but also to the rear and front.

1.6 To the west of the site (along its rear boundary) is a vegetated embankment leading up to a railway line (The Capel to Horsham line). The railway line is approximately 3m to 4m above site level. To the south of the site is a detached bungalow (39 Pondtail Road). Within the grounds of this and adjacent to the application site boundary is a single storey double garage building. To the north of the site is 43 Pondtail Road, this being a detached house with an attached garage. The garage is adjacent to the boundary with the application site. Other properties in the vicinity of the site are detached houses on both sides of the road; those on the eastern side being set back significantly from the road.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 14 – Shop Fronts and Advertisements

Policy 24 - Strategic Policy: Environmental Protection

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 41 - Parking

Policy 43 - Community Facilities, Leisure and Recreation

RELEVANT NEIGHBOURHOOD PLAN

There is no made plan

2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/19/1711 Erection of a two-storey rear extension, amend front roof and window detail and installation of external lighting. Application Permitted 07.01.2020

DISC/19/0240 Approval of details reserved by conditions 3 and 4 on DC/17/1704.
Application Permitted 07.01.2020

DC/17/1704 Change of use from Public House (Class A4) to Children's Day Nursery (Class D1); Single storey and first floor rear extensions; changes to elevations including addition of 2x front and 1x rear dormer windows; car and cycle parking; siting of external plant on rear elevation; and surfacing of garden area. Application Refused on 13.04.2018. Allowed on Appeal

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

PUBLIC CONSULTATIONS

- 3.2 **North Horsham Parish Council:** Objection

The Parish council consider the illumination to be unnecessary. The illumination could cause detrimental impact on neighbouring properties. The application would be agreeable if the lights were only switched on during the dark winter months - prior to children arriving and then as it gets dark until the closing time. There could be an issue trying to enforce these conditions.

- 3.3 **Representations:**

14 letters of representation objecting to the application were received across both consultation periods (N.B. the removal of the illumination was after both consultation periods ended). Objections were based on:

- Illuminated signage is unacceptable in a residential area
- No need for the nursery to have illuminated signs
- Four illuminated signs would be out of place and intrusive to neighbours
- Light pollution and nuisance
- Distraction to road users
- 1 fascia sign and 1 car park sign are all that is required.
- Question the morality of using a 'public house' style hanging sign to advertise a children's nursery.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 Paragraph 132 of the National Planning Policy Framework states that "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements

should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

- 6.2 Policy 14 of the Horsham District Planning Framework (HDPF) states that advertisements should be sensitively designed, or an appropriate size and appropriately located. Advertisements should not be detrimental to the visual amenity of the buildings or area by reason of its scale, detail, character, design or illumination; impair pedestrian or highway safety; or result in, or compound, the perception of clutter on the street scene.
- 6.3 Policy 32 of the HDPF requires developments to be of a high quality and inclusive design based on a clear understanding of the context for development. Policy 33 of the HDPF relates to development principles and requires development, amongst other matters, to recognise any constraints that exist, to not cause unacceptable harm to the amenity of surrounding occupiers, to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.4 The property is within the built up boundary area of Horsham and the location is predominantly residential, although other commercial properties do exist on Pondtail Road. The property comprises of a two storey detached building previously used as a public house and granted consent for extension works and conversion to a children’s nursery, namely Perfect Start Nurseries.
- 6.5 The 1st sign affixed on the front façade of the building would replace and be smaller in size than previous pub signage on the front facade of the building. The sign is to be 3mm thick CNC cut powder coated aluminium letters with Perfect Start Nurseries lettering and logo; the text being 320mm in size.
- 6.6 The 2nd sign is to replace the existing pub hanging sign positioned in front of the building, with a same sized hanging sign reading ‘Perfect Start Nurseries’. This is to be a moulded fibreglass traditional pub style sign and bracket. Sign panel size 813x1068mm (portrait). Painted gloss white, graphics applied to both faces.
- 6.7 The 3rd sign would be a freestanding car park sign measuring 0.3 sq.m and is proposed to be positioned near the entrance to the car park at the south side of the site. Aluminium sign panels (double sided) 450x600mm. Affixed to a galvanised road post of 76mm diameter.
- 6.8 The signs are of contemporary appearance in aluminium and fibreglass in colour white with blue and green lettering and not to be illuminated. The site is within a built up residential area and the proposed non-illuminated signage is not considered to have a detrimental impact on the visual amenities of the locality when considering signage which would have been displayed at the former public house, nor would it have a harmful impact on the amenities of neighbouring residents now the proposed illumination has been removed. The size and location of the signage as amended is considered appropriate to the building and would not cause harm to its character or that of the wider area. Whilst residents have raised concern over re-using the pub hanging sign, in this instance given the history of the building as a public house no harm is identified. As such the proposal would not be considered contrary to Policy 14 of the HDPF which seeks to ensure that advertisements are not detrimental to the visual amenity of the buildings or area by reason of their scale, detail, character, design or illumination.
- 6.9 It is therefore considered that the proposal as revised would not have an adverse impact on the character and visual amenities of the locality and the scheme is therefore recommended for approval. The siting and nature of the signs is not considered to have any adverse impact on public safety.

Recommendation: Application Permitted

Conditions:

1 Plans list

2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Regulatory Condition:** The signs hereby permitted shall not be illuminated other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** 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 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.

Reason: In the interests of the visual amenities of the locality.