Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **AW/248/17/A**

LOCATION: 2 Nyetimber Lane
ALDWICK

PROPOSAL: 1No internally illuminated hanging sign

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks to create 1No. illuminated hanging sign to the Northern elevation of the property.
SITE AREA	Approximately 309.2sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is no boundary treatment to any of the road-facing elevations of the building.
SITE CHARACTERISTICS	The site is populated by a two storey commercial building that is a Co-Operative shop. Due to this prominent position on the corner of the junction, it has three road-facing elevations.
CHARACTER OF LOCALITY	There are many different housing styles and uses for the buildings in the area.

RELEVANT SITE HISTORY

AW/134/94/A	Internally illuminated fascia sign, internally illuminated double-sided projecting sign and window advertisements	Apprvd/Cond ADV 04-11-1994
AW/214/05/A	1 No. internally and externally illuminated fascia sign and 1 No. internally illuminated projecting box sign.	ApproveConditionally 10-10-2005
AW/162/07/A	1 no. internally illuminated fascia sign and 1 no. internally illuminated double sided projecting sign.	ApproveConditionally 27-07-2007
AW/104/12/A	1 No internally illuminated free standing single sided display unit	ApproveConditionally 04-07-2012

AW/173/13/A	3 no. fascia signs on front and side elevations externally illuminated by overhead trough lighting, 1 no. internally illuminated double sided projecting sign on north side elevation, 1 no. non-illuminated car park disclaimer sign on south side elevation.	ApproveConditionally 05-09-2013
AW/181/17/A	Various illuminated & non-illuminated advertisements on various elevations.	ApproveConditionally 04-08-2017
BR/89/49/A	Store	ApproveConditionally 28-07-1950

Noted.

REPRESENTATIONS

Representations received:

Parish Council - No comment.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A/

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD5	Advertisements

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE
Paragraph 67 of the National Planning Policy Framework (NPPF) states that 'advertisements should be
subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. Para. 3.1 of the Councils adopted Supplementary Planning Guidance for adverts confirms that 'The display of outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety'. The control system in place for advertising is concerned with the visual effect on its surroundings of an advertisement. Aldwick Parish Council has a design statement, however, it does not seem to have any direct relation to the construction of adverts.

AMENITY
Given the extent of advertisements already present on the site and in the immediate vicinity, the design and location of the proposed advert is not considered that to have an unacceptably adverse impact upon visual amenity nor will residential amenity of nearby properties be unacceptably affected. The proposed illumination of the illuminated signage is 400candelas per square metre. This is deemed to be in keeping with the W.S.C.C Standing Advice, which states that in Medium district brightness area, it cannot exceed 600 candelas per square metre.

PUBLIC SAFETY
In the evaluation of the sign consideration has been given to its impact upon public
safety, it is vital to consider whether the advertisement itself or its location is likely to be so distracting or so confusing, that it creates a hazard, or endangers people in the vicinity who are taking reasonable care for their own, or others, safety. The location and scale of the signs are not considered to post a hazard to public safety and comply with standing highways safety advice.

SUMMARY
In the absence of harm to amenity or public safety, it is recommended that the application be approved, subject to the conditions set out below.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:
- Site plan - P6F7M1
- Signs A,B,C Specifications plan - P6F7M1
- Signs D, H and E Specifications plan - P6F7M1
- Signs F, G and Cross Section Specifications plan - P6F7M1
- Proposed Elevation 1 Plan - P6F7M1
- Proposed Elevation 2 Plan - P6F7M1
- Proposed Elevation 3 Plan - P6F7M1
- Proposed/Existing Elevation 2b (Right side) plan - P6F7M1
- Proposed/Existing Elevation 2a (Left side) plan - P6F7M1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

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.

Reason: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

4 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: As required by Regulation 14(1)(a) of the Town & Country Planning (Control of Advertisements) Regulations 2007.

5 The intensity of illumination of the proposed sign shall not exceed 400 candelas.

Reason: In the interests of the visual amenities of the locality in accordance with GEN7 of the Arun District Council Local Plan and the NPPF.

6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.