Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **BE/109/15/A**

LOCATION: Unit 3 Bognor Regis Retail Park
Shirpney Road
Bognor Regis

PROPOSAL: 1 No. internally illuminated fascia sign on front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for a new internally illuminated fascia sign to the front elevation.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The unit is open to the car park and to the rear shared storage area.
SITE CHARACTERISTICS	The Bognor Regis Retail Park compromises six retail warehouses with associated parking to the front adjacent to Shripney Road, Bognor Regis. The unit is between two furniture shops (Bensons Beds and Dreams).
CHARACTER OF LOCALITY	Retail Park on western side of the A29. To the north lies Rowan Way, to the east and south is a large holiday caravan park. And industrial estate lies on the other side of the A29 to the east.

RELEVANT SITE HISTORY

BE/136/14/PL	Change of use from Health & Fitness Centre (D2 Assembly & Leisure) to A1 (A1 Shops).	ApproveConditionally 29-01-2015
BE/44/15/PL	Refurbishment of facade including insertion of glazing & bi-parting entrance doors & replacement of hard landscaping.	ApproveConditionally 03-06-2015

Application BE/136/14/PL allowed the change of use of the unit from a health & fitness centre to a retail store.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - no objection.

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;
Class A & C Roads; and
Flood Zone 2 (part of the rear of the building).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

Bersted Neighbourhood Plan 2014 Policy GA2 Signage for Local Facilities

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD5	Advertisements

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Regulation 3(1)(a)(b), 3(2)(a)(b) and 4(3) of the Town and Country Planning (Control of Advertisements) Regulations 2007 states:-

"3 (1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -
(a) The provision of the development plan, so far as they are material; and
(b) Any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b) -
(a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
(b) Factors relevant to public safety include -
(i) The safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(ii) Whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign, railway sign or aid to navigation by water or air;
(iii) 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.

4(3) In determining an application for consent for the display of advertisements, the local planning authority may have regard to any material change in circumstances likely to occur within the period for which the consent is requested."

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

The new sign will replace the existing Fitness First sign and it of similar dimensions to the existing. As is the case with a new occupier, the colour scheme will change from white on dark blue to a mix of red, white & light blue.

Paragraph 67 of the NPPF 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."

It is not considered that the replacement advert will have an appreciable impact on the visual amenity of the streetscene given the predominantly commercial character of the location and the similarity of the proposal to the existing scheme. The proposed candela level is also considered to be acceptable within this Zone E3 area.

It is therefore recommended that the application is approved subject to the following conditions.

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:

Location Plan (1:1250); and
Plans as Proposed & Elevations Ref 15/903-111.

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

2 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.

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

3 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.

4 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.

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

6 The intensity of illumination of the proposed sign shall not exceed 600 candelas per

square metre

Reason: In the interests of the visual amenities of the locality in accordance with the NPPF.

7 The illumination of the proposed sign shall be of a non-intermittent type.

Reason: In the interests of the visual amenities of the locality in accordance with the NPPF.