Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **BE/124/12/A**

LOCATION: Land at Oldlands Way
Bognor Regis

PROPOSAL: Relocation of 1 No internally illuminated free standing totem sign (previously approved under BE/20/12/A)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for 1 totem sign advertising the new Mac Donalds Drive Thru restaurant. It is to be placed to the front of the site facing Shripney Road.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Post and rail fencing.
SITE CHARACTERISTICS	Two storey brick, mansard roof, being demolished to provide a new glass McDonalds.
CHARACTER OF LOCALITY	Outskirts of Bognor Regis Town Centre is predominantly warehousing and retail out of town shopping centres with some housing.

RELEVANT SITE HISTORY

BE/123/12/A	Various illuminated and non-illuminated signage	ApproveConditionally 04-10-2012
BE/113/12/A	Various illuminated & non-illuminated signage	ApproveConditionally 05-10-2012

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council:
No objection
Others:

None.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

COUNTY HIGHWAYS:
The proposed sign is situated away from the public highway and would not therefore have any consequences to users of the public highway. No objections.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

	XXX4	Supplementary Planning Guidance for Advertisements.

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual amenity, aural amenity, public safety, quality of the environment and impact upon the character of the local area.

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

PRINCIPLE
The site is within the built up area close to a retail park. The proposal is for one internally illuminted illuminated sign.

VISUAL AMENITY
The new totem sign is similar to others in the vicinity. It is along the front of the site long Shripney Road. Whilst the sign is on the edge of the town, it is not facing into the residential area which is outside of the built up area boundary. It is therefore considered to be visually acceptable.

EFFECT ON HIGHWAY SAFETY
County Highways have raised no objections.

SUMMARY
The totem pole si not considered to cause any visual harm or be obstructive to the highway users, therefore it is recommended that the application is granted consent subject to the following conditions.

HUMAN RIGHTS ACT

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) 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 none of the following impacts (negative, Neutral or positive) 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).

RECOMMENDATION

APPROVE CONDITIONALLY

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.

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

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 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: 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.

Reason: In the interests of the visual amenities of the locality in accordance with policies GEN7, GEN33 of the Arun District Local Plan.

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

Reason: One or both of the following:-

(a) In the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.