

REPORT UPDATE

Application No: BE/127/12/A

Reason for the Update / Changes

Reason for Update: Further Representations Received

Bognor Regis Town Council:

- No objection but the committee expressed their disappointment that the "Welcome to Bognor Regis" is not more prominent as had been previously promised.

1 Letter of Objection:

- Would not have foreseen the impact that the 2 large illuminated signs which have been placed on the roof.
- Amazed to see that they are visible from the Arun Leisure Centre in Felpham.
- The signs are too prominent in their current position
- Signs have to be so large as they are so high.
- Bright signs beaming out detracts from the attractive design of the building
- Should permission be granted other stores and outlets along this road will want the same for themselves
- Will result in a "Las Vegas" strip mall effect to one of the key arterial routes into Bognor Regis presenting a bad image for the town before people even get in.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BE/127/12/A

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BE/127/12/A

LOCATION: Former LEC Site
Shripney Way
Bognor Regis

PROPOSAL: Various non-illuminated & internally illuminated signage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal includes various illuminated and non-illuminated signage at the newly redeveloped A1 Retail Store and Petrol Filling Station.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A

TOPOGRAPHY	Predominantly flat.
TREES	n/a
BOUNDARY TREATMENT	n/a
SITE CHARACTERISTICS	The southern part of the site is occupied by an A1 retail store with a large surface car park to the north and petrol filling station.
CHARACTER OF LOCALITY	To the north of the site lies the Clock Park Estate and an area of small scale commercial/trade uses separate from the main body of the industrial estate. Aldingbourne Rife and a further industrial estate separates the site from residential development to the south. Beyond the A29 to the west lie a variety of land uses including Arun Retail Park, Tesco, housing and a caravan park. To the immediate east of the site is open land, a former airfield.

RELEVANT SITE HISTORY

BE/122/08/	Demolition of existing buildings and erection of Class A1 superstore with associated car parking, landscaping, petrol filling station, car wash and jet wash and creation of new access from A29 and internal estate roads together with replacement car dealership facility fronting Shripney Road.	Called In by DCLG/SD 13-09-2010
BE/34/11/DOC	Application for approval of details reserved by conditions 4 and 21 of planning permission BE/121/08	DOC Approved 08-04-2011
BE/82/11/DOC	Applicaition for approval of details reserved by condition 6 following planning permission BE/122/08/	DOC Approved 27-06-2011
BE/109/11/NMA	Application for a non-material amendment following a grant of planning permission BE/122/08/ for the addition of a goods online provision	Approve 02-09-2011
BE/139/11/DOC	Application for approval of details reserved by Condition 10 i) following a grant of planning permission BE/121/08/	DOC Part Approved 05-12-2011
BE/132/11/	Application for variation of conditions 12, 13, 16, 17, 18, 19, 20 & 26 following grant of planning permission BE/122/08/ relating to revised design incorporating a covered walkway	Approve Conditionally 15-12-2011

No comments

BE/154/11/DOC	Applications for approval of details reserved by conditions 2, 3 and 11 in relation to BE/122/08.	DOC Part Approved 25-04-2012
BE/21/12/DOC	Application for approval of details reserved by 10 & 24 of previously approved planning application BE/122/08	DOC Approved 25-04-2012
BE/35/12/DOC	Application for approval of details reserved by condition 9 and 22 following the approval of BE/122/08/	DOC Approved 23-05-2012
BE/109/12/MMA	Application for a minor material amendment amendment following BE/132/11/ - relating to minor changes to the PFS kiosk, main store elevations & car parking arrangements	Approve Conditionally 17-09-2012

REPRESENTATIONS

Representations received:

Bersted Parish Council
Bognor Regis Town Council
- no objection.

Bognor Regis Town Council- Not yet received. Comments to be included as a committee update report.

Comments on Representations received:

No comments

CONSULTATIONS

WSCC Strategic Planning
Environmental Health

Consultations responses received:

Arun District Council Environmental Health- I do not consider it likely that light intrusion from the proposed illuminated advertisement scheme will give rise to nuisance to nearby residential properties

- Certification should be sought from a suitably qualified lighting professional that light pollution arising from the scheme will be minimised, particularly as it is assumed that much of the lighting will operate throughout the night.
- Applicant is requested to confirm compliance with design guidance contained in "Guidance note for the Reduction of Obtrusive Light- Institution of Lighting Professional 2011"
- Suggests that Environmental Zone E3 would be appropriate.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS- the signage is situated away from the public highway and would not therefore have any consequences to users of the public highway.

Comments on Consultation responses:

In response to the Environmental Health Officer's response, the applicants have submitted sufficient information that the proposed illuminated signs will comply with the requirements of Environmental Zone E3.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	DEV27	Retail Development Outside the Principal Shopping Areas
	GEN33	Light Pollution
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

XXX4	Supplementary Planning Guidance for Advertisements.
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions made under the Regulations are made only in the interests of amenity and public safety.

Section 38(6) of the Planning and Compulsory Purchase Act 2004, does not apply to advertisement applications.

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 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions made under the Regulations are made only in the interests of amenity and public safety. Section 38(6) of the Planning and Compulsory Purchase Act 2004, does not apply to advertisement applications. I shall therefore have regard to the Development Plan as a material consideration in this application.

The NPPF at paragraph 67 states:

"Only those advertisements which will clearly have an appreciable impact on a building or 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 impact".

As the NPPF makes clear, 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.

ASSESSMENT OF THE PROPOSED SIGNAGE

The signs that are the subject of this application are already in position throughout the site except for the sky sign on the north-west elevation. Officers have also visited the site at night time to assess the effect of the illuminated signs.

The proposals are to the east of the A29 and west of the railway line. Large commercial buildings line both sides of the route including a superstore to the west. Numerous advertisements also line this section of road and the majority of buildings in the area have signs and advertisements on their fascia. In particular there are a number of large, illuminated fascia signs within Arun Retail Park opposite the site, and on the Crown Park Estate to the north of the site, along with a number of fast food restaurants which are prominent on the road frontage. The streetscape therefore has a commercial character.

The proposal site is a long established and recently redeveloped commercial site which enjoys significant visual prominence due to its size and scale in this road side location.

The majority of the proposed advertisements are considered to be functional signs such as road signs, notices for various services, pedestrian crossings, wheelchair parking, signs over trolley bays or recycling services. These are set out in drawing numbers CHQ.12.9691-PL13A and CHQ.12.9691-PL14A.

In the most, these signs are discreet and are not noticeable from outside the Sainsburys site. The site is a large out of town A1 retail store, and it is not considered that these advertisements will individually or cumulatively have an appreciable impact on the amenity of the area. Furthermore, they are not likely to have an adverse impact upon safety.

These are therefore considered acceptable and are recommended for approval.

A number of other signs merit closer consideration as they would have an appreciable impact due to their size, scale or location. The various signs are evaluated in the paragraphs below.

MAIN STORE SIGNAGE

This comprises a number of elements:

- ATM Panel
- Welcome to Bognor Regis Vinyl
- Cash Machine Projecting Sign
- Welcome Wall Branding Panels
- Cafe branding signs

These signs are not considered to have a negative effect on the amenity of the area and will not have a negative effect on public safety. They are therefore considered acceptable.

The other Main Store Signs to be evaluated are:

- Sign attached to building on south east elevation facing the railway line "Sainsbury's at Bognor Regis"
- Sign above the entrance lobby and below the canopy of the building on north east elevation

These signs are illustrated on drawings numbered:

- CHQ.12.9691-PL15
- CHQ.12.9691-PL16a
- CHQ.12.9691-PL18

These signs are attached directly to the fascia of the building at the locations mentioned above. The signs measure 12,646mm x 2,345mm. They are internally illuminated with LED lighting with a luminance level of 73 cd/m², with no restriction on the hours of operation of the internal illumination.

It is considered that the proposed advertising signs are of an appropriate scale and size relative to the host property. Their positioning on the building is considered appropriate. There is no condition imposed to restrict the lighting in the car park and within the curtilage of the retail store, it is therefore not considered that the proposed illumination will significantly add to the brightness of the area, and as such will not impact on the amenity of this commercial area.

ADVERTISING SIGNS ON PETROL FILLING STATION

The proposed advertising signs on the Petrol Filling Station comprises six individual elements. These are shown in the applicants drawing "2468/200 Rev A PFS Advert Application".

The majority of the signs are considered to be acceptable and will not affect the amenity of the area. The sky signs on top of the canopy and the fascia sign on the kiosk are internally illuminated with LED Lighting with a luminance level of 450 cd/m². These signs merit closer consideration as their positioning and luminosity will render the advertisements more conspicuous and thus may have an impact on the amenity of the area.

The Petrol Filling Station is located within the wider Sainsburys site, set back from the Shripney Road by approximately 65 metres. The proposed "Sainsburys" sign is of modest proportions (5410mm x 850mm). The highest point of the sign will be 6291mm.

Given the filling station's positioning in the site it will only be visible to anyone entering the site via the right turn lane or passing along the section of road frontage on Shripney Road. The sign will have a limited zone of visual influence, and will be located within an established commercial site.

It is therefore considered that the proposed canopy signs are of a size and positioning within the site that they will not look out of place or detract from the overall appearance of the site. The signs are therefore recommended for approval.

TOTEM ADVERTISING SIGNS

"Totem Signage A" and "Green Topper Totem" are located adjacent to the A29 on the southern carriageway. A third sign "Totem Signage B" is located within the site adjacent to the petrol filling station.

West Sussex County Council has been consulted on the application and have not identified that the proposed signs are a risk to public safety of road users.

The proposed signs Totem Signage A and Green Topper Totem are located to the front of the application site and will be a prominent feature on the road frontage, however it is not considered that the signs will have a deleterious effect on the amenity of the area, and is not therefore contrary to the Advertisements SPG and paragraph 67 of the NPPF.

Totem Signage B is by reason of its location and size is not considered to have a negative effect on the amenity or character of the area and is therefore recommended for approval.

ADVERTISING SIGNS ABOVE THE FASCIA OF THE MAIN STORE (SKY SIGNS)

The applicants propose three advertising signs above roof level on the roof of the buildings. The signs measure 7150mm x 3450mm, and the highest point of each of the signs is approximately 12,745mm above o/d level. The proposed signs are internally illuminated with LED lighting with a luminance level of 73cd/m³. The signs are located above the north east elevation, above the south west elevation and above the north west elevation.

The prominent positioning of the signs on top of what is an already tall building means that the signs are readily visible from long distances outside the site. Although the colour scheme and the design are simple, the lettering is large. The signs are internally illuminated and will therefore be prominent at night.

- South West Sky Sign

The sign on top of the south west elevation is readily visible for pedestrians and road users at the A29/Orchard Way/Highfield Road Roundabout (which is located approximately 450 metres south west of the site) and when moving north along the A29 approaching the site.

The sign is located on the rear elevation, where there are no other visible indicators that allow it to be identified as a retail store.

The large size of the advertisement, combined with its prominent positioning and night time illumination means that it sits in an uncomfortable and jarring manner. It appears unrelated to the store and the structure would have a notably different form (above the sky line of the building), and be appreciably taller than other advertisements in the locality.

Furthermore, when viewed at night the dominant effect of the large, brightly lit sign is amplified.

Consequently what is proposed would be a discordant and incongruous feature that would relate

poorly to the host building and would harm the appearance of the street scene

- North East Sky Sign and North West Sky Sign

The sign on the north east elevation is visible for road users and pedestrians coming into Bognor Regis travelling south along the A29. The retail store is located close to the south carriageway of the A29, with the proposed advertisement located near the highway on top of the building.

The sign appears prominent and obtrusive on the building, and given its location close to the carriageway appears dominant and overbearing.

Given the proposed sign's unsympathetic position, it is considered that the form of display and position of the sky sign detracts from the appearance of the retail store and will be overly dominant, which is to the detriment of the street scene and the visual amenities of the area.

The proposed north west sky sign is the only proposed advertisement that was not in place when officers conducted their site visits.

It is considered that the proposed sign would be unacceptable for the same reasons as the north-east sign as set out in the paragraphs above.

Furthermore, the combination of the north east and north west sky sign would give the building a cluttered appearance. The cumulative effect of the signs would negatively effect the character and appearance of the building and therefore would have an unacceptable impact on the amenity of the area.

Taking all these matters into account, it is concluded that the sky signs will have a negative effect on appearance of the building, are deleterious to the character and appearance of the street scene, and to the detriment of the visual amenity of the area. The three proposed sky signs are therefore recommended to be refused.

CONCLUSION

Applications for Advertising Consent have to be assessed according to their effect on amenity and public safety. The District Council's Local Plan and Advertisement SPG have been considered as material considerations.

The majority of signs are functional signs designed to ensure the successful and convenient operation of the retail unit and petrol filling station. A number of signs were considered to have an appreciable impact on the site and surroundings and so were subject to detailed assessment.

It was considered that the majority of these signs, including fascia signs and road side totems, would not have a negative effect on the amenity of the area or public safety and are therefore recommended for approval.

The three sky signs are assessed as being unacceptable due to their size, design and location and the effect the sky signs would have on the appearance of the building and amenity of the area.

It is therefore recommended that a split decision should be issued that refuses advertisement consent for the sky signs but grants approval for all other signs applied for.

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 (right to respect for 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 neutral 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).

RECOMMENDATION

PART APPROVE/PART REFUSE

The signs as set out below are PERMITTED in accordance with the conditions specified:

MAIN STORE ELEVATIONS

- 1 x ATM Panel (incorporating a A1 poster frame)**
- 2 x Welcome to Bognor Regis Vinyl**
- 1 x Cash Machine Projecting Sign**
- 2 x Sainsburys Building Signs**
- 2 x Welcome Wall Branding Panels**
- 4 x Cafe branding Signs**

PETROL FILLING STATION

- 2 x Canopy Signs**

**1 x Kiosk Fascia Sign
1 x Brand Wall Vinyl
2 x Car Wash Signs
10 x Car Pump Signs
2 x Fill Up Either Side Signs**

CAR PARK AND ACCESS SIGNAGE

**1 x Sainsburys Totem
1 x Green Topper Totem
1 x PFS Totem
9 x Parking Disclaimer Sign
1 x Recycling Directional Sign
3 x Parent & Child Directional Sign
1 x Disabled Directional Sign
3 x Exit Directional Sign
2 x Recycling Bay Sign
8 x Parent & Child Parking Sign
1 x Motorcycle Sign
1 x Cycle Sign
1 x Pick Up Point Sign
8 x Disabled Parking Sign
4 x No Entry/Give Way Sign
4 x Pedestrian Crossing/ Speed Hump Sign
2 x Deliveries Only Sign
8 x One Way Sign
24 x Trolley Bay Logos**

- 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.

The three proposed "Sky Sign" adverts in drawings named:

CHQ.12.9691-PL15

CHQ.12.9691-PL16

CHQ.12.9691-PL18

of the proposed development is REFUSED for the reasons specified.

- 1 The proposed advertisements, by reason of their size, siting and method of display, would be unduly prominent and incongruous feature in the street scene and detrimental to the visual amenities of the locality in conflict with policy GEN7 of the Arun District Local Plan.
- 2 The proposed signs would detract from the appearance of the building on which it is to be displayed and would be prejudicial to the visual amenities of the locality in conflict with policy GEN7 of the Arun District Local Plan.
- 3 The proposed advertisements, by reason of their number, would give rise to a cluttered appearance of the premises to the detriment of the visual amenities of the locality in conflict with policy GEN7 of the Arun District Local Plan.
- 00 INFORMATIVE: The applicants withdrew from consideration applications for advertising consent for the proposed advertisements Sign G Staff Entrance and Sign H Restaurant.