

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BE/137/15/A

LOCATION: 6 Oldlands Way
Bersted

PROPOSAL: 2 No. externally illuminated fascia signs on front & rear elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the front and rear.
SITE CHARACTERISTICS	2 storey mid terraced warehouse building in brick and metal sheet cladding. The front elevation includes a short row of windows at first floor level and there is a two storey roller shutter door. There is an emergency exit door on the rear elevation. Internally the building provides an open warehouse area with ground & first floor offices. There is off-street parking to the front.
CHARACTER OF LOCALITY	Part of the Southern Cross Industrial Estate. The rear of the building backs onto the A29 and to the west of this is a currently vacant site with an extant permission for residential development.

RELEVANT SITE HISTORY

BE/101/78	Change of use from warehousing Class X to general industrial ClassIV	ApproveConditionally 15-11-1978
BE/104/79/ADV	2 wall signs non-illuminated	Apprvd/Cond ADV 12-12-1979

None.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - "No objection".

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built up Area Boundary;
Tree Preservation Order (BE/2/14);
PD Restriction; and
Class A Road.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 proposed signage will be affixed to the front & rear fascia's of unit 6. Initially the rear advertisement was considered to be too large and it was requested that it be revised so as to be closer in size to the existing Kwik-Fit sign on the adjacent sign. The applicant has agreed to this change and this is reflected by the current plans.

Paragraph 77 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 adverts will have an appreciable impact on the visual amenity of the streetscene given the predominantly industrial/commercial character of the area and the existing signage on nearby buildings. Furthermore, the proposed signage is not considered to have any impact on the residential properties located on the opposite side of the dual carriageway A29. The proposed candela level is also acceptable being as it is well below the limits for this Zone E3 area (the limit for signs under 10m² being 800 cd/m).

It is therefore recommended that the application is approved as follows.

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:

Promap Location Plan; and
Existing & Proposed Elevations Ref 9918-103-04-R1.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the locality in accordance with the National Planning Policy Framework.

- 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 The intensity of illumination of the proposed sign shall not exceed 318 candelas per metre squared.

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

National Planning Policy Framework.

- 6 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 National Planning Policy Framework.

- 7 The advertisement hereby permitted to the rear elevation shall not be displayed unless and until the existing rear advertisement has been removed to the satisfaction of the Local Planning Authority.

Reason: To avoid an excessive display of advertising material in the interests of the visual amenities of the locality in accordance with the National Planning Policy Framework.