

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BE/140/18/A

LOCATION: Unit 8 Clock Park
8 Shripney Road
Bersted
PO22 9NH

PROPOSAL: Display of 1x internally illuminated fascia with deatyre LED strip above, 1x internally illuminated projecting sign & 1x non-illuminated totem sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install 1x internally illuminated sign to the shopfront with a deatyre LED strip above. 1x internally illuminated projecting sign and 1x non illuminated totem sign.
SITE CHARACTERISTICS	The site is occupied by a existing vacant two storey building. Existing parking area to front forecourt.
CHARACTER OF LOCALITY	The area is occupied by predominately commercial/industrial premises.

RELEVANT SITE HISTORY

BE/100/18/PL	Change of use of ground & first floor office/light industrial unit (B1 - Office & Light Industrial) to gym (D2 - Assembly & Leisure) 09-01-19	ApproveConditionally
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Relevant planning history noted.

The site has recently had permission for a change of use to a gym.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council provided no objection but asked that the illuminated signs are not on 24hrs a day. No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

Class A road

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

ADVERTS

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

Paragraph 132 of the National Planning Policy Framework (NPPF) states -The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts

DESIGN AND VISUAL AMENITY

Given the extent of the adverts already on site and in the immediate vicinity, the design and location of the proposed is not considered to have an unacceptably adverse impact upon the visual amenity nor will the residential amenity of nearby properties be unacceptably affected. The nearby residential properties are located across the other side of Shripney Road, sited over approximately 25 metres from the application site. Therefore, it is considered that it would not have a detrimental effect on nearby residential properties.

PUBLIC SAFETY

In terms of public safety, it has to be considered 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 proposed advert by virtue of its location and size is not considered to have an adverse impact of the safety of pedestrians or road users.

SUMMARY

In summary the advertisements in terms of size, materials, illumination and layout are considered unlikely to detract from the appearance of the building. Further it is considered that the proposal would not have an adverse effect on amenities or public safety.

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
- Block Plan - Plan_1
 - Location Plan
 - Signage Details Sign 3 - EF08
 - Signage Details- Sign 2 - EF07
 - Signage Details Sign 1 - EF06
 - Side Elevation Proposed - EF03
 - Proposed Front Elevation - EF02
 - Overlay 2 - EF05
 - Overlay 1 - EF04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun 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 The intensity of illumination of the proposed sign shall not exceed 400 candelas/m.

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

- 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 NPPF.

- 7 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.