Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **BR/143/14/A**

LOCATION: Hotham Park
Upper Bognor Road
Bognor Regis

PROPOSAL: 3 No. non-illuminated fascia signs

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for three non-illuminated fascia signs to the front and side elevations of the proposed cafe building. The front and western side signs will measure 600mm by 2000mm and the eastern side sign, 400mm by 2400mm. The wording is to be agreed at a later date.
SITE AREA	1,189 m2.
RESIDENTIAL DEVELOPMENT DENSITIY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	There is a Beech tree located 1.5m in from the southern boundary which is within the application site area. This tree is not however affected by the proposed building as it is 12.5m from the nearest part of the proposed building.
BOUNDARY TREATMENT	There is a hedge and a 2m high brick wall to the south. This boundary is augmented by mature trees. There are 1m high black wrought iron railings around the adjacent boating lake.
SITE CHARACTERISTICS	The proposed cafe building will be located on a grassed area of the park on which there are currently two picnic tables. The site is close to the southern boundary of the park and there is a planted area within the fenced off boating lake site to the immediate east. There is a pathway to the immediate north and more grass to the west.
CHARACTER OF LOCALITY	The site forms part of Hotham Park which in turn forms a large part of the Bognor Regis (Upper Bognor Road and Mead Lane) Conservation Area. There are flats to the

south of the park boundary which overlook the site. Within the park, surrounding features include the boating lake with its own small shop and a couple of small sheds associated with the miniature railway.

RELEVANT SITE HISTORY

BR/61/87/A	Non illuminated signs in various positions	Refused 14-10-1987
BR/94/89/A	One non illuminated fascia sign	Withdrawn 11-04-1989
BR/95/89/A	One non illuminated fascia sign	Withdrawn 11-04-1989
BR/391/89/A	One non illuminated Fascia Sign	Permit'd Devel 15-11-1989
BR/390/89/A	One non-illuminated fascia sign	Permit'd Devel 15-11-1989
BR/407/89/A	One No Non-Illuminated fascia sign	Permit'd Devel 15-11-1989
BR/611/82/A	One non illuminated fascia sign	Refused 29-09-1982
BR/662/83/ADV	Two non illuminated fascia sign	Apprvd/Cond ADV 28-09-1983

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - "No objection".

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer
Listed Building Officer

Consultations responses received:

Conservation Area Advisory Committee - "No objections".

Historic Buildings Adviser - No Objection subject to amendment/details. Comments set out below:

"Whilst there is of course, no objection to the principle of signage, the proposed scheme does not correlate particularly well with the building. The three signs appear simply as boards attached around the building and are not integrated with the design at all. For example, the sign on the front elevation might be improved if it was the same width as the opening and perhaps not as deep. Meanwhile those to the side appear to be crammed up under the eaves.

As with the design advice for the building, the signage would benefit from a potentially more creative solution: letters might be mounted up on the front of the roof; the name could be etched in the glass, or applied to the timber side elevations. Whatever the approach, it should not appear as an afterthought but part of the overall concept.

We appreciate that this is a little more difficult when the name is unknown, however the intention to use other means could still be expressed."

Comments on Consultation responses:

Whilst it is considered that the comments of the Historic Buildings Adviser have merit and the suggestions would improve signage scheme, it is noted that there is no objection with specific regard to the impact of the signs on the conservation area or nearby listed building.

POLICY CONTEXT

Designations applicable to site:

Class A, B & C Roads;
Setting of a Grade II* Listed Building;
Conservation Area; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD5 Advertisements

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and

not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption.
At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plans (more commonly known as a neighbourhood plan or NDP), once adopted by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Adopted NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards adoption. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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

PROPOSAL & PRINCIPLE

The proposed three non-illuminated signs will be affixed to three elevations of the proposed cafe, the subject of application BR/142/14/PL. The site is in the urban area where new development is generally acceptable subject to normal development control criteria such as visual amenity, residential amenity and highway safety. The site is also within a Conservation Area and lies within the setting of a Grade II* listed building.

VISUAL & RESIDENTIAL AMENITY

Paragraph 77 of the National Planning Policy Framework 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."

Given the site's location within a Conservation Area and within the setting of a Grade II* Listed Building, it is considered appropriate to subject these signs to a detailed assessment. However, as the signs are to be non-illuminated, are relatively small in scale and are located close to the eaves of the proposed building, it is not considered that they have any detrimental impact on the appearance of the built and natural environment.

With respect to residential amenity, the signs are located on elevations of the proposed building which are not directly overlooked by the flats within Sudley Gardens.

IMPACT ON THE CONSERVATION AREA & THE SETTING OF THE LISTED BUILDING

Notwithstanding the above discussion, it is also necessary to consider the impact of the signage on the character & appearance of the Conservation Area and setting of the nearby Listed Building. The comments of the Historic Buildings Adviser are important here and it is noted that whilst recommendations are made as to changes to the design scheme, that no objection is raised with regard to harm to these heritage assets. It is also noted that the shop building on the boating lake which is closer to the Listed Building also has existing signage. It is not considered that there will be any harm to the identified heritage assets as a result of the proposed signage.

HIGHWAY SAFETY

The site is within an urban park and does not lie adjacent to a vehicular highway. Whilst it is acknowledged that the proposed cafe will receive vehicular deliveries, it is not considered that the signs are significant enough to distract drivers.

SUMMARY

It is considered that whilst the design of the signage scheme could be improved, that it is nonetheless acceptable and fit for the purpose of identifying the cafe to users of the park. It is not considered that the signage will be detrimental to the character & appearance of the Conservation Area or the setting of the Grade II* Listed Building. It is therefore recommended that permission be granted subject to the following standard 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:

Site Location and Block Plan Ref 340/07 Rev A;
Proposed Site Layout Ref 340/06 Rev C;
Proposed Floor Plan/Site Plan Ref 340/03 Rev E; and
Proposed Elevations Ref 340/04 Rev E.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance 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 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.