

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BR/212/19/A

LOCATION: 33 Chichester Road
Bognor Regis
PO21 2XH

PROPOSAL: Advertisement consent for 2 No. internally illuminated fascia signs, 7 No. Ali panels, 8 No. wall mounted signs, 3 No. banner frames, 4 No. pole mounted signs and 1 No. internally illuminated totem sign

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE CHARACTERISTICS	The site is occupied by a two storey building with retail premises to the ground floor and residential premises above. There is a carwash to the north west of the site and residential properties to the rear.
CHARACTER OF LOCALITY	The area is mixed in use with some commercial however predominately residential.

RELEVANT SITE HISTORY

BR/194/19/PL	Installation of replacement plant equipment, new external freezer all within an existing compound with a new timber hit & miss fence to enclose.	ApproveConditionally 15-08-19
BR/168/08/A	Application for consent to display various illuminated and non-illuminated advertisement signs	ApproveConditionally 11-07-08
BR/32/04/	Change of use from petrol filling station to motor vehicle sales	ApproveConditionally 26-03-04
BR/240/01/	Change of use from vehicle service garage to A3 Use Class (hot food and drink)	ApproveConditionally 23-10-01

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site

Built up area boundary

Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

[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
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NPPG	National Planning Practice Guidance
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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

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

There are a number of adverts present on site and in the vicinity and therefore the location of the proposed adverts are not considered to adversely impact upon the visual amenity of the area nor will residential amenity of nearby properties be affected. The premises has been used as a supermarket and the proposed signage largely replaces that which already exists, albeit an alternative colour.

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 hazed, or endangers people in the vicinity who are taking reasonable care for their own, or others safely. The proposed adverts by virtue of their location and size are considered to have an adverse impact on the safety of pedestrians or road users.

SUMMARY

In the absence of harm to amenity or public safety, it is recommended that the application be approved, subject to the conditions set out below.

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 permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans
 - Location and Block Plan P-100
 - Site Plan
 - Proposed Elevation 1
 - Proposed Elevation 2
 - Sign A and B specifications
 - Sign C,D,E,F,G,H,I , J Specifications
 - Sign K,L,M,N,O,P, Q Specifications
 - Sign R,S,T,U Specifications
 - Sign V Specifications
 - Banner Frame

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.

- 3 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.

- 4 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.

- 5 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.
- 6 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.
- 7 The intensity of illumination of the proposed totem sign shall not exceed 375 cd/m².
- Reason: In the interests of the visual amenities of the locality in accordance with NPPF.
- 8 The illumination of the proposed totem sign shall be of a non-intermittent type.
- Reason: In the interests of the visual amenities of the locality in accordance with NPPF