Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **BR/3/14/A**

LOCATION: Regis Centre
Belmont Street
Bognor Regis

PROPOSAL: 5 x internally illuminated fascia signs, 1 x internally illuminated pole sign, 1 x internally illuminated wall mounted menu sign & 1 x non-illuminated directional sign to various locations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is an application to change the advertisement signs on the Brewers Fayre pub resturant to slightly adjust the corporate style.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Dwarf wall and railings around out door eating area.
SITE CHARACTERISTICS	The site is to the rear of the Regis Centre directly facing the sea. The building is timber clad painted white. Single storey.
CHARACTER OF LOCALITY	Mixed character. Directly to the north of the site is the town centre. Adjacent is residential accommodation and directly opposite is the seafront. The site is attached to the Bognor Regis Centre. There is car parking to the side of the site.

RELEVANT SITE HISTORY

BR/58/05/A	4x externally illuminated Text Signs, 1x externally illuminated Freestanding Sign, 1x externally illuminated Flag Sign, 1x non-illuminated Plaque, 1x non-illuminated Opening Hours sign & 1x internally illuminated Menu sign	Apprvd/Cond ADV 13-04-2005
BR/78/06/A	1 externally illuminated promotional display unit -twin leg freestanding and 1 externally illuminated promotional display unit - wall mounted	Apprvd/Cond ADV 12-05-2006

BR/109/06/A	2 No externally illuminated mounted promotional display units (1No post mounted & 1 No wall mounted)	Apprvd/Cond ADV 30-05-2006

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Town Council:
No objection.

Comments on Representations received:

None

CONSULTATIONS

Estates Manager

Consultations responses received:

Estates Management - no comment.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built up Area Boundary
Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX4	Supplementary Planning Guidance for 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.

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
The site is within the built up area boundary. There are advertisements on the building and the proposal is to update the style of the advertisements.

NATIONAL PLANNING POLICY FRAMEWORK
Paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over advertisements should be effective, efficitent and simple. It is considered that the replacement signs conform to this policy.

SUPPLEMENTARY PLANNING GUIDANCE FOR ADVERTISEMENTS
This guidance concerns the interests of amenity and public safety.

VISUAL AMENITY
The replacement signs do not have any significant impact on the appearance of the building, they are replacing existing signs with a different corporate style.

HIGHWAY SAFETY
There are existing signs on the building and it is not considered that the minor changes would have any significant impact to the detriment of highway safety.

SUMMARY
The replacement signs are similar to those existing and it is not considered that the changes would have any significant impact on the visual amenity of the surrounding area and it would not create any obstructions that would be detrimental to highway safety, therefore it is recommended that the application is granted consent subject to the following conditions and subject to the Chairman and Vice Chairman of the Committee agreeing that there have been no material changes in circumstance on the 14th February 2014.

HUMAN RIGHTS ACT

FOR APPROVAL
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) 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 none of the following impacts (negative, Neutral or positive) 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

APPROVE CONDITIONALLY

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.

6 The intensity of illumination of the proposed sign shall not exceed 300.00 cd/m.
Reason: One or both of the following:-

In the interests of the visual amenities of the locality in accordance with the Supplementary Planning Guidance of the Arun District Local Plan.

7 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.