

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BR/55/14/A

LOCATION: Nyetimber Mazda
33 Chichester Road
Bognor Regis

PROPOSAL: 2 No externally illuminated fascia signs, 1 No externally illuminated car park signage and 1 No externally illuminated replacement signage to existing totem

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. All of the signs will be illuminated except for those attached to the existing totem.
SITE AREA	890 sq metres.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat but the land rises slightly from Chichester Road and there is an approx. 0.5m high retaining wall in this part of the site.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to the front and sides. To the rear boundary with 86 Hillsboro Road, there is a part 1m, part 2m high brick wall.
SITE CHARACTERISTICS	Nyetimber Part Exchange Centre (formerly Nyetimber Mazda), an existing Morrisons convenience store with a car sales garage adjacent and a car park to the rear. There is a residential flat on the floor above the main showroom.
CHARACTER OF LOCALITY	Main road. Predominately residential but with a children's nursery on the corner of Town Cross Avenue & Chichester Road to the northwest, an ambulance station and a Chinese takeaway on the other side of Chichester Road. The site is bordered by Chichester Road on the north eastern side, Hillsboro Road on the south eastern side, 86 Hillsboro Road to the southwest and Waltham House (comprising Acorn Electrical Wholesale Ltd & one empty commercial unit) to the northwest.

RELEVANT SITE HISTORY

P/65/00/A	2 no. Internally illuminated fascia signs and 1 no. illuminated wall mounted sign together with 9 non-illuminated directional signs	ApproveConditionally 24-08-2000
BR/240/01/	Change of use from vehicle service garage to A3 Use Class (hot food and drink)	ApproveConditionally 23-10-2001
BR/61/07/A	One internally illuminated free standing sign	Apprvd/Cond ADV 11-05-2007
BR/249/13/	Change of Use of ground floor from Motor Vehicle Sales & Servicing/Repairs (Sui Generis) to A1 (Shops) Food Retail	ApproveConditionally 18-12-2013
BR/8/14/	Alterations to existing shopfront including installation of a new automatic single sliding entrance door and external ATM.	ApproveConditionally 27-03-2014
BR/11/14/	Installation of new external refrigeration condenser, refrigeration pack and 3 no. new a/c units at rear.	ApproveConditionally 01-04-2014

BR/249/13/ allowed for the change of use of the building from a car sales show room to a A1 retail shop. The Council has also recently approved applications for the site in respect of external shop front alterations and refrigeration condensers/air conditioning units.

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

Bognor Regis Town 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;
Class A Road; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment,](#)

D DM1 Aspects of Form and Quality

Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX4

Supplementary Planning Guidance for 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 signs are a mix of fascia, projecting, totem and pole mounted signs. They will be sited either on the existing building, on the existing totem or within the forecourt/car park areas. Some of the signs will be static illuminated to 250cd/m².

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."

These signs are required due to the recent change of use of the building from a car sales/repair garage to a Morrisons convenience store. The site was previously subject to illuminated advertisements/signs including to its fascia and to the existing totem. On this basis and noting that the luminance levels are well within the limits for this Zone E3 area, it is considered that they are appropriate in visual terms. The signs do not impact upon the public highway and therefore there are no impacts on highway safety.

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:

D/01 SITE LOCATION & BLOCK PLAN;
D/07 EXISTING SOUTH WEST ELEVATION;
D/05 EXISTING SOUTH EAST ELEVATION;

D/02 EXISTING GROUND; and
SIGNAGE DOCUMENT REF 102257 (5 SHEETS).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and GEN33 of the Arun District 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 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.

- 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 adverts shall not exceed 250 cd/m².

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

- 8 The illumination of the proposed adverts shall be of a non-intermittent type.

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

- 9 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.