

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BR/62/13/A

LOCATION: 43-45 Queensway
Bognor Regis

PROPOSAL: 2 No back illuminated fascia signs and 1 No internally illuminated projecting sign to front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	145 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	N/A
BOUNDARY TREATMENT	None
SITE CHARACTERISTICS	Ground floor A1 retail unit and A3 restaurant located in the Principal Shopping Area of Bognor Regis.
CHARACTER OF LOCALITY	Principal Shopping Area of Bognor Regis characterised by mixed commercial, retail and residential units.

RELEVANT SITE HISTORY

BR/210/96/CLE	Application for a Certificate of Lawfulness for an existing use - use of premises as a restaurant	Inc Docs Ret'nd 17-10-1996
BR/282/12/	Change of use of the existing charity shop (A1 retail) to restaurant (A3) useage as an extension/enlargement of the adjoining restaurant Cardomom Bay at 43 Queensway.	Approve Conditionaly 30-01-2013

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

Consultations responses received:

County Highways Authority: No comment.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
Principal Shopping Area
Class C Road
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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 amenity, aural amenity, public safety, quality of the environment and impact upon the character of the local area.

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

VISUAL AMENITY

Paragraph 67 of the National Planning Policy Framework states that adverts are subject to control in the interests of amenity and public safety. Poorly placed adverts can have a negative impact on the appearance of the built and natural environment.

The application is submitted concurrently with an application for a new shopfront at nos 43-45 Queensway.

The proposal seeks to replace existing signage as follows:-

- 1 internally illuminated fascia sign (5.2 metres x 900 mm) on a brown background (RAL 8029) with gold text (RAL 1004). The fascia will be powder coated aluminium and project 200mm from the shopfront. The gold lettering will be halo lit and project 500mm from the shopfront with the lettering 'Cardomam Bay';
- 1 internally illuminated fascia sign (5.2 metres x 900mm) on a brown background (RAL 8029) with white text at the same depth as above. The lettering will be fret cut and backlit with the words 'Fine Indian Dining';
- 1 double sided projecting sign (750mm) on a brown background (RAL 8029) with gold/white internally illuminated, fret cut lettering.

The fascia signs will be positioned 2.8 metres above pavement level and the projecting sign at a height of 2.9 metres. The level of illumination for the fascia signs and projecting sign will be 192 candela per sq metre.

The units are located in a modern parade of shops characterised by non-illuminated and illuminated fascia signs. The adjoining unit (Lloyds Pharmacy) has a projecting sign. The colour scheme, design, size and scale of the replacement fascia signs and projecting sign is in keeping with that of surrounding signage and buildings, and the level and intensity of illumination is subtle. The projecting sign will be in line with the fascia sign. The projecting concrete canopy will prevent any backlight to neighbouring residential flats located at first floor level above the units.

IMPACT ON HIGHWAY SAFETY

The signage will be located at a height of 2.8-2.9 metres above pavement level at a distance of 2 metres from the highway (Class C Road). From a highway safety perspective, the County Highways Authority has declined to comment. However, the signage will be fixed to the building, it will not obstruct the public highway and the illumination will be static (fixed). With regard to the intensity of illumination, a condition is recommended to control the illumination to 192 candela per sq metre. The proposal is therefore not considered to adversely impact highway safety.

SUMMARY

In summary, the proposed fascia signs and projecting are not considered to adversely impact visual amenity or highway safety. Approval is recommended, subject to the following conditions.

HUMAN RIGHTS ACT

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 to 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 (Neutral) 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 fascia signs and projecting sign shall not exceed 192 candelas per sq metre.

Reason: In the interests of the visual amenities of the locality and road safety.