

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: CM/3/22/A

LOCATION: Maidenhead Aquatics
Crookthorn Lane
Climping
BN17 5SN

PROPOSAL: Installation of 1 x internally illuminated fascia sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A retrospect application for a single internally illuminated box sign.
TOPOGRAPHY	Predominantly flat.
SITE CHARACTERISTICS	Farm Shop (now aquatic sales).
CHARACTER OF LOCALITY	Rural area on A259.

RELEVANT SITE HISTORY

CM/61/21/A	Installation of 1 x externally illuminated fascia sign, 2 x non-illuminated fascia signs, 1 x internally illuminated menu drive through sign to south boundary, 2 x A boards and 2 x roadside flags.	Part Apprv/Part Refu 18-01-22
CM/26/21/A	Installation of 2 x externally illuminated fascia signs and 2 x non-illuminated fascia signs.	ApproveConditionally 06-08-21

Noted.

REPRESENTATIONS

Parish Council - Object

Clymping Parish Council strongly objects to this application on the basis that a proposal for illuminated fascia signs at this site is inappropriate illumination and totally out of keeping with the character of the area and will intrude on a rural area.

The proposal is contrary to policies CPN4 & CPN11 of the Clymping Neighbourhood Plan. The illuminated signs will impact on the amenities enjoyed by occupants of surrounding properties and does not integrate with the local built environment and landscape context as described in the Clymping Character Assessment.

It should also be considered that as the site is within a rural area, such lighting could have an impact on

wildlife.

Furthermore, in terms of highway safety, the proposal of four illuminated signs could confuse and distract drivers on A259.

2 Neighbours letters - Objection
 Out of Keeping with area.
 Illumination levels too high.
 Distraction to passing vehicles.
 Urbanising area.
 Negative Impact on wildlife.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

During the course of this application the agent has agreed to lower the illumination levels to meet with WSCC guidance.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD5	Advertisements
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DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material

considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it will not effect the amenity of the area nor effect public safety.

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 be weighed in the balance with the Development Plan.

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.

Clymings Neighbourhood Plan holds of relevance Policy CPN 11 Quality of Design. Additionally policies D SP1 and D DM1 of the Arun Local Plan relate to Design and Aspects of form and design quality. All of these policies will have relevance on the design of the proposed advert and the impact to the amenity of the area and its nearby residents.

West Sussex County Council also have standing advice relating to advertisements and their potential affect on highway safety. The site sits within area E2 (Low district brightness area) where signs up to 10m² can have an illumination level of up to 400 cd/m².

AMENITY

This is a retrospective application for an internally illuminated box sign to the western elevation of the building. The sign is not considered to be of an overly obtrusive design and would preserve the appearance of the street scene on Crookthorn Lane and that its design responds well to the site and will not compromise the spatial character of the area in accordance with policies D DM1 and D SP1 of the Arun Local Plan and policy CPN 11 of the Clymping Neighbourhood Plan.

The illumination will be restricted to guidance recommended levels of illuminance and timed to restrict to be on only when the business is open. This will ensure it will not cause a significant harmful impact on the visual amenity of the area. The sign will allow the advertisement of this business amongst a complex of 2 other businesses in this locality.

Having regards to the impact on neighbouring properties which policy CNP 4 and Policy D DM1 (3) seek to control. It is noted that by reason of the site's location, within a rural area there are very few neighbours surrounding the site, especially those with views of the signage. Views are generally protected to the west and south by the building itself. To the east lies The Cottage, a Grade II Listed property. It shares its western boundary with the site however the sign will be positioned approximately 70m away from the share boundary. Additionally, only partial views of the sign may be possible from the garden of the property due to the orientation of the buildings and positioning of rooflines. Therefore, direct impact to neighbouring residents will be very limited and as such the proposal is acceptable and complies with policy.

PUBLIC SAFETY

In the evaluation of the sign consideration has been given to its impact upon public safety, it is vital to consider whether the advertisements or their location are likely to be so distracting or so confusing, that it creates a hazard, or endangers people in the vicinity who are taking reasonable care for their own, or others, safety.

The location and scale of the sign is not considered to post a hazard to public safety. The sign is affixed to the building and is in keeping with the nature of the site, it is also set at right angles to the main road, and it will not result in a hazard to the road. The signs may be visible at a longer distance due to the relatively open nature of the surrounding landscape however this would not increase safety concerns.

WSCC guidance for the illumination levels to restrict harmful impact to the road network will be adhered to, a condition limiting the sign to 400cd/m² will be included within the permission.

CONCLUSION

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 approved shall be carried out in accordance with the following approved plans;

- Sign details Dwg 21-043-6
- Location and Block Plan 21-043-5

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D SP1 and D DM1 of the Arun Local Plan.

- 2 The box fascia sign hereby retrospectively approved shall have its illumination intensity levels lower to 400 cd/m² within a period of 3 months from the date of this approval. The illumination levels shall be retained at this intensity in perpetuity unless agreed in writing by the local authority.

Reason: In the interests of the visual amenities of the locality in accordance with D DM1 of the Arun Local Plan

- 3 The illuminated sign shall only be illuminated during hours of trade of Maidenhead Aquatics.

Reason: In order to protect the visual amenity of the surrounding area and comply with D DM1 of the Arun Local Plan.

- 4 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.

- 5 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.

- 6 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.

- 7 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.