

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FG/161/18/A

LOCATION: ASDA Ferring
Littlehampton Road
Ferring
BN12 6PN

PROPOSAL: 3 x internally illuminated fascia signs & 5 no non-illuminated vinyl graphics.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the installation of 3 internally illuminated fascia signs on the retail pod which measures 6.5m in length, 2.6m in depth and 2.45m in height. The pod is flat roofed with timber clad and glazed elevations. The fascias are 4.3m long and 4.49m high. The other information signs are non illuminated . The largest is 1.9m high and 1.6m wide. The pod is to be located outside the front of the store close to the car park.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Structure is not close to any boundary demaraction
SITE CHARACTERISTICS	The pod will be a small single storey structure site. The site is surfaced and is part of the pedestrianised entrance area to the super store.
CHARACTER OF LOCALITY	The site forms part of the site of the ASDA food store and is located adjacent to a nursery and residential dwellings

RELEVANT SITE HISTORY

FG/163/18/A	4 No. non illuminated fascia signs, 2 No. non illuminated traffic signs & 1 No. internally illuminated totem sign at various locations (partial resubmission following FG/24/18/A).	ApproveConditionally 14-11-18
FG/143/15/A	Various illuminated & non illuminated signage.	ApproveConditionally 29-10-15
FG/145/18/PL	Proposed retail pod	ApproveConditionally 17-08-18

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Economic Regeneration

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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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

ADVERTISING CONSENT BACKGROUND

The NPPF at paragraph 132 states:

"Only those advertisements which will clearly have an appreciable impact on a building or 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 impact".

As the NPPF makes clear, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. The control system in place for advertising is concerned with the visual effect on its surroundings of an advertisement. The subject matter of the advertisement may not be controlled by us, the Local Planning Authority, though it may sometimes be regulated by other means.

Amenity

When assessing an advertisement's impact on amenity, the Council should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. In assessing the application it is therefore required to look at how the advertisement impacts on its locality. The relevant considerations are scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality and how the advertisement relates to these. The Council will also consider the design and location of the proposed advertisement.

Consideration will be given as to whether an advertisement will result in a proliferation of advertisements in an area. The Council will seek to avoid advertising creating or contributing to visual clutter in an area.

Public Safety

When assessing the impact of an advertisement in terms of public safety the vital consideration is whether the advertisement itself or its location is 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.

This is particularly important when locating advertisements in the vicinity of busy or high speed roads.

The aim is to ensure that advertisements are not positioned where they are distracting to road users, or interfere with the interpretation of road signs or traffic lights.

ASSESSMENT OF THE PROPOSED SIGNAGE

The surrounding area is semi-rural in nature and the application site should be viewed within the policy context of the site which is no longer located outside the built up area or within a Settlement Gap . The designation of the site has altered with the approval of the Arun Local Plan 2011-2031. Whilst open fields adjoin the site to the west the other boundaries are roads and housing or parking. The site is a long established and redeveloped commercial site which enjoys significant visual prominence due to its size and scale in this road side location.

Highway Safety

In terms of highway safety the proposed adverts are considered acceptable. They are set back from the road frontage.

Visual Amenity

Information adverts

In the most, the signs are not visible from outside the ASDA site due to landscape buffers and positioning, and are not therefore considered likely to affect the amenity of the surrounding area. It is not considered that the functional or fascia advertisements will individually or cumulatively have an impact on the amenity of the area. Furthermore they are not likely to have an adverse impact upon safety. These are therefore considered acceptable and are recommended for approval.

Fascia adverts

The fascia signs around the canopy are to be illuminated on 3 sides and although they would add to the visual prominence of signage on the site given the position and level of signage it is not considered excessive. It would have an unacceptable adverse impact on the visual amenities of the locality. The new filling station would be located between the pod and the road frontage.

The site is close to the South Downs National Park (SDNP) and there is potential for inappropriate illuminated signage to have an impact on the landscape character of the National Park. Given that the signs are set back 170m from the A259 . It is therefore considered to be acceptable on the landscape character of the SDNP.

It is considered that the proposed signage is of appropriate scale and size relative to its location within the built up area boundary.

It is therefore concluded that the proposed signage does not conflict with national guidance in the NPPF or Arun Local Plan policyDDM1.

CONCLUSION

Applications for Advertising Consent have to be assessed according to their effect on amenity and public safety. The signs are reasonable in size and position and are not considered to have a negative or unacceptable effect on amenity.

The application is therefore recommended for approval subject to the following conditions.

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: Location PL-01 revA, Site Detailed Plan pl-03 and Elevations ASP-6.65MXXXXX

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.

- 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 illumination of the proposed signs shall only take place during store opening hours.

Reason:

In the interests of the visual amenities of the locality in accordance with policy DDM1 of Arun Local Plan.

- 8 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 policy DDM1 of Arun Local Plan.