

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FG/162/25/A

LOCATION: Asda
Littlehampton Road
Ferring
Worthing
BN12 6PN

PROPOSAL: 1x advertisement sign on pre-existing board, 3x facade signs.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The northern part of the site comprises a large A1 retail food store, featuring a tiled roof and a canopy to the principal (front) elevation. A substantial surface level car park is located to the north of the site. Trolley parking is provided beneath a canopy adjacent to designated disabled parking spaces. The site contains a number of established landscaping features, both within the site and along its boundaries, which contribute to the overall visual amenity of the area.
CHARACTER OF LOCALITY	The surrounding area is predominantly rural in character. A nursery and residential development are located to the east of the site, while a railway line runs along the southern boundary. Agricultural land lies to the west. The A259 is situated along the northern boundary of the site.

RELEVANT SITE HISTORY

FG/135/20/PL	Variation of condition 11 of planning permission FG/16/12 to allow for additional opening hours for the store for the Christmas period to include 24 hour opening from 20th of December to 24th of December annually. This site is in CIL Zone 4 (Zero Rated) as other development.	ApproveConditionally 18-12-20
FG/222/18/A	Retrofitting existing totem sign to add illuminated petrol price sign relating to an onsite petrol filling station.(amendment to FG/163/18/A).	ApproveConditionally 15-02-19
FG/163/18/A	4 No. non illuminated fascia signs, 2 No. non illuminated traffic signs & 1 No. internally illuminated totem sign at	ApproveConditionally 14-11-18

various locations (partial resubmission following FG/24/18/A).

FG/161/18/A	3 x internally illuminated fascia signs & 5 no non-illuminated vinyl graphics.	ApproveConditionally 03-12-18
FG/143/15/A	Various illuminated & non illuminated signage.	ApproveConditionally 29-10-15

Relevant planning history noted.

REPRESENTATIONS

Ferring Parish Council has raised no objection to the proposal. However, it has requested that a condition be imposed to restrict the illumination of the signage to the store's opening hours only.

No representations were from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not reasonable or necessary to impose a condition restricting the use of the illuminated signage to the store's opening hours only. There are no residential properties in the immediate vicinity of the site, and the sign is positioned at a sufficient distance from the public highway. As such, the proposed illumination does not result in harm to residential amenity or highway safety. Further detail is provided in the conclusion section below.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built-up Area Boundary.
Area of Special Control (Adverts).
Within an area with potentially high groundwater levels.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Paragraph 141 of the National Planning Policy Framework (NPPF) states that 'advertisement should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. 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.

DESIGN AND VISUAL AMENITY

The proposal seeks planning permission for the installation of four vinyl signs and one internally illuminated fascia sign.

The site is located within an Area of Special Control for Advertisements, and due regard has been given to this designation in the assessment of the proposal.

Two translucent vinyl signs measuring approximately 1.9m in width and 0.3m in height have been installed on the existing signboard at the site entrance from the A259. These signs replace a pre-existing advertisement of a comparable size and scale and do not result in an increased visual presence.

Two matt vinyl signs measuring approximately 1.3m in width and 0.8m in height are positioned on the window panels adjacent to the store's entrance doors, one at the eastern entrance and one at the

western entrance. These signs are set amongst existing signage and, given their modest scale and finish, do not appear out of character within the established commercial setting.

One internally illuminated fascia sign measuring approximately 5.7m in width and 0.9m in height is located near the trolley parking area, opposite the disabled parking bays. The sign comprises illuminated lettering positioned above the store's static window.

The illuminated signage operates at a static luminance level of 300 cd/m², which accords with the recommended brightness levels for an E3 Environmental Zone, as set out in the Institution of Lighting Professionals 'Professional Lighting Guide 05/23' and a standing advice provided by West Sussex County Council Highways.

The surrounding area is characterised predominantly by commercial uses, with several existing advertisements within the immediate vicinity. In this context, the introduction of additional illuminated and non-illuminated signage would not appear incongruous or visually intrusive.

The proposed signage would not harm visual amenity or the character of the area, in accordance with the NPPF.

PUBLIC SAFETY

In terms of public safety, it has to be considered whether the advertisement 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.

The translucent vinyl signs replace pre-existing signage of a similar nature and scale and do not alter the illumination within the totem. As such, they do not introduce any additional public safety concerns. The matt vinyl signs and the internally illuminated signage are positioned at an appropriate distance from the public highway and are located within an area where commercial advertisements and signage are commonly present. Therefore, these signs do not result in any harm to public safety.

The proposal does not introduce any new safety concerns and is not expected to have a negative impact on public safety.

SUMMARY

In the absence of harm to amenity or public safety in accordance with the NPPF, 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

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 Plan.
 - Block Plan.
 - Sign B.
 - Sign C.
 - Sign G.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the NPPF.
- 2 The intensity of illumination of the proposed 'Sign C' shall not exceed 300 candelas per square metre.

Reason: In the interests of the visual amenities of the locality and road safety in accordance with NPPF.
- 3 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 and Country Planning (Control of Advertisements) Regulations 2007.
- 4 No advertisement shall be sited or displayed so as to -
 1. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 2. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 3. 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 and Country Planning (Control of Advertisements) Regulations 2007.
- 5 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 and Country Planning (Control of Advertisements) Regulations 2007.
- 6 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 and Country Planning (Control of Advertisements) Regulations 2007.

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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 and Country Planning (Control of Advertisements) Regulations 2007.