

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FG/16/25/A

LOCATION: Old School House
27 Ferring Street
Ferring
BN12 5HL

PROPOSAL: Installation of 1 No. internally illuminated sign. (Retrospective).

SITE AND SURROUNDINGS

| | |
|----------------------------|-------------------|
| DESCRIPTION OF APPLICATION | As above. |
| SITE CHARACTERISTICS | Residential Home. |
| CHARACTER OF LOCALITY | Mixed-use. |

RELEVANT SITE HISTORY

| | | |
|--------------|------------------------------|----------------------------------|
| FG/173/16/PL | Fence to boundary & new wall | ApproveConditionally 13-01-17 |
|--------------|------------------------------|----------------------------------|

Relevant planning history noted.

REPRESENTATIONS

Ferring Parish Council - No response received.

3 objections received from nearby occupiers, key points summarised below.

- The sign is located opposite the war memorial and at the entrance to the conservation area. Its size, height and colour are an unnecessarily commercially dominant feature unsuited to that position. The internal LED lighting is overly bright, serves no practical purpose and totally unnecessary as it is positioned close to a street lamp.
- Object to the illumination of the sign advertising the Retirement Home because it is right at the entrance to the historic Ferring Conservation Area, which needs to be protected from such intrusions. The illumination (and the very prominent sign itself) serves no public purpose - the earlier signage is more than adequate for public information. The illuminated sign is for a commercial purpose, which is not appropriate for this location.
- The sign is not serving any purpose in guiding people to the Nursing home while illuminated as people with family there already know where to go.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted, it has been stated in the application form that the sign would be illuminated in winter months (October to March) from 16:30 until 22:00 and only between 20:00 and 22:00 in the summer months (April to September), this will be conditioned to remain so. The illuminance levels will also be

REPORT_1011(ODB)

conditioned. The rest of the comments will be addressed in the conclusions section.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Within an area with a potentially high groundwater level.

Within Built-Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1 D DM1 Aspects of form and design quality

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 advertisement proposed is located at the corner Ferring Street and Rife Way along the northern boundary. The proposed sign has a height of 2.3m and a width of 1.5m, and it is bright orange in colour with lettering in the colour white advertising the name of the building. It is also noted that there was a previous sign in this location as stated on the application form and the proposed sign is a replacement advertising the branding and name of the organisation. It is also noted opposite the sign there are shop frontages and adverts present in bright colours such that this sign is acceptable.

The submitted application form states that the advert would be internally illuminated to a level of 600 candelas per square metre (cd/sqm) at night only. Notwithstanding this, a condition is attached to this permission to restrict the illumination of the sign to a level of 300 cd/sqm, to comply with the most recent guidance from West Sussex County Council (WSCC). This design is acceptable in visual amenity terms and does not compromise the wider character of the area. It is noted that there are a variety of advertisements within the vicinity, and the advertisement has replaced an existing sign, as such, the advertisement would not appear out of character so as to result in demonstrable harm to the wider character of the area.

By virtue of the location of the sign, opposite modern shop fronts of similar colours, and with restricted hours and levels of illumination, the proposal does not result in demonstrable harm to the character and appearance of the area so as to justify the refusal of planning permission in this regard. The advertisement is therefore in accordance with policy D DM1 of the Arun Local Plan.

PUBLIC SAFETY

The sign is of a scale, visual design, and illuminance that would draw attention, however it displays minimal text that advertises the branding and name of the organisation within the site. The sign is located at the corner Ferring Street and Rife Way and it is set back from the main road.

The sign does not feature moving parts, intermittent lighting, any signs that resemble road signs, nor does it obstruct any sightlines along Ferring Street and Rife Way or overhang the road. The internal illuminance of the sign will be conditioned to remain at a maximum of 300cd/sqm, illuminated at night only. The sign is comparable to those typical for smaller retail centres and does not appear to be at odds with the wider area.

Due to its position and design the advert does not cause public safety issues by distracting drivers or restricting visibility. The advert by virtue of its location and size would not have any undue adverse impact of the safety of pedestrians or road users.

SUMMARY

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 advertisement hereby permitted shall be removed on or before the expiration of the period ending on 1 April 2030.

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

2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Site Plan.
- Location Plan.
- Sign.

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

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 & 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 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 sign shall not exceed 300 cd/sqm.

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

7 The illuminated sign shall only be switched on from 16:30 to 22:00 during the months between October to March inclusive, and only between 20:00 - 22:00 between the months of April to September inclusive.

Reason: In the interests of amenity in accordance with Arun Local Plan policy QE SP1.

8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.