

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FG/24/18/A

LOCATION: Asda Ferring Superstore
Littlehampton Road
Ferring
BN12 6PN

PROPOSAL: Various illuminated & non-illuminated signs at various locations within the site

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to 4 fascia signs around the forecourt canopy. Only the lettering would be internally illuminated. An internally illuminated totem sign 6m by 3m which comprises a retrofit of the existing double sided sign, various traffic signs and kiosk signage.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage is relatively open with some shrub/hedge planting to approx. 1m.
SITE CHARACTERISTICS	The site comprises a large A1 retail foodstore on the southern end of the site, with a large surface car park to the north. There are various landscaping features throughout the site and along its borders which are established.
CHARACTER OF LOCALITY	Housing lies to the east ; railway line lies to the south; agricultural fields lie to the west; main A259 Littlehampton Road lies to the north.

RELEVANT SITE HISTORY

FG/206/17/PL	Installation of a Six Pump (12 Filling Position) Petrol Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment	
FG/143/15/A	Various illuminated & non illuminated signage.	ApproveConditionally 29-10-15
FG/107/12/A	Various illuminated and non-illuminated signage	Part Apprv/Part Refu 28-11-12

FG/174/08 and FG/33/10 approved the replacement retail building to the rear of the site, abutting the railway line. The removal of the s106 Legal Agreement which limited types of products and quantities sold was approved under FG/33/10. This application imposed a condition limiting the amount of retail floorspace permitted to a total maximum of 6,336 square metres, with 2,800 of that figure being for convenience food sales. FG/16/12/ approved a number of amendments to the building.

FG/107/12/A approved signage including a totem sign on the site frontage with a height of 5m and width of 2.6m.

The application for the petrol filling station FG/206/17/PL remains current and is not yet determined .

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - non-illuminated signs at various locations within the Asda site.

As with planning application FG/206/17, concerns are raised from an environmental point of view in relation to the 24 hour operation and the associated light and noise pollution.

The proposed site is in close proximity to a new housing development and in full view from the South Downs National Park which contravenes the Arun local plan to protect the green infrastructure network .
SIGP1

The proposed filling station and associating signage will change the visual appearance in a rural location and is contrary to the original plans of this site with the superstore being set back from the highway.

Concerns are also raised regarding the operation hours of the jet wash and the fuel delivery and that the noise this will invariably cause an inconvenience to the adjacent housing development during unsociable hours, early in the morning and in the evening

6 Objections including Kingston and East Preston Parish Councils

- Light pollution will have an adverse impact upon residents of Ferring and Kingston,
- Concerned about the negative impact of this proposal on the setting of the and view from the South Downs National Park.
- the lighting and signage of this 24 hr intrusion into an otherwise quiet and dark corner of Ferring. The lighting will be particularly obtrusive to amateur astronomers who need dark skies for their observations from Highdown.
- There should be no need for advertising signage, since the application FG/206/17 argues that the great majority of those who use the petrol station will do so whilst shopping in the store, and therefore, there will be minimal extra traffic on Littlehampton Road.
- If the Council does give planning permission for the petrol station the amount of lighting and signage should be restricted to the minimum required for safety.
- With the ASDA store being in sight of Highdown Hill which is in the South Downs National Park, - Further illuminated signage will increase the light pollution that ASDA already emits in an area where the pollution is minimal.
- The signs will be bright and the increase in traffic will make it a much unsafe area for pedestrians.
- Can Asda use the other side of the entrance for this facility where it will not affect residents or pedestrians?
- We have put our entire life savings into buying our house and do not want our investment to lose value.
- We can already see the giant ASDA sign from our backdoor and it is an eye-sore.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application for the petrol filling station FG/206/17 is undetermined and opening hours and the presence of the building have not yet been agreed. The illumination could be limited to the hours of operation of the filling station, but that application has yet to be decided. The larger existing retail signage is conditioned to be switched off between midnight and 6am.

The additional signage will increase the visual prominence of the retail site and the filling station signage would be more prominently being located on the site frontage.

Noise generation from the development cannot be considered as part of this application.

The visual impact of the existing ASDA cannot be considered as part of this application.

The devaluation of property is not a material planning consideration.

CONSULTATIONS

WSCC Strategic Planning

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The luminance levels of the proposed illuminated signs are below the maximum luminance recommended by The Institute of Lighting Engineers for an area such as this.

From inspection of WSCC mapping the proposed signs are not to be positioned on land considered to be public highway.

The signs are not in positions which would obstruct vehicular visibility at the access with Littlehampton Road, A259.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-up Area Boundary

Within the East Preston & Ferring Strategic Gap

A259

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

XXX4	Supplementary Planning Guidance for Advertisements.
SPD5	Advertisements

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.

Section 38(6) of the Planning and Compulsory Purchase Act 2004, does not apply to advertisement applications and the Development Plan can be considered as a material consideration

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 67 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 strategic gap with open fields to the west, east and north-west. This impression is aided by mature roadside planting and deep grassed verges. However, the proposal site is a long established and recently 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.

Visual Amenity

Functional adverts

The majority of the advertisements are considered to be functional signs such as road signs, notices for various services, pedestrian crossings and kiosk signage .

In the most, these 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.

It is not considered that these functional 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.

A number of other signs merit closer consideration due to their size, scale or placing. The various signs are evaluated in the paragraphs below.

Fascia adverts

The fascia signs around the canopy are to have illuminated lettering on 3 sides which would add to the visual prominence of signage on the site and create a cluttered and excessive amount of signage which would have an unacceptable adversely impact on the visual amenities of the locality. The filling station itself would be readily visible and the amount of signage would be prominent and out of keeping in the semi rural location.

The other sign that would detract from the appearance of the site and its semi rural location is the refit totem sign. This is already very prominent and the 1m increase in height to 6m would result in a sign which would be excessively dominant in this location. The previous application for signage at ASDA was amended prior to a decision being reached to reduce its visual impact.

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 sign is unduly large and it is not certain if the filling station will be permitted and/or whether the hours will

exceed midnight (the hours of lighting could be 24 hours) this would adversely affect the present unlit character of the area between midnight and 6am. It is therefore considered to have a deleterious and unacceptable effect on the landscape character of the SDNP.

It is considered that the proposed signage is of not of an appropriate scale and size relative to its location within a landscaped semi-rural area, particularly given the prominent position of the building on the site frontage.

It is therefore concluded that the proposed signage conflicts with national guidance in the NPPF and Arun District Council's Adopted SPG "Advertisements" (September 2003).

CONCLUSION

Applications for Advertising Consent have to be assessed according to their effect on amenity and public safety. The applicants have not taken on board any of the public representations and comments from the parish councils and local neighbourhood groups. Any illuminated signs may not be able to be reasonably controlled by condition to operate for less than 24 hours as the planning application for the petrol station remains undecided.

The majority of signs are functional signs designed to ensure the efficient and safe running of the site and these are acceptable. These are recommended for approval. However the larger signs due to their number, size and location are considered to have a negative and unacceptable effect on amenity.

It is concluded that the proposed totem and fascia signs are contrary to the National Planning Policy Framework paragraph 67 in that they will clearly have an appreciable impact on its surroundings and is deleterious to amenity.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

PART APPROVE / PART REFUSE

- 1 The general signs, safety sign, traffic signs (ADV02) and kiosk signage (ADV 03) of the proposed development are PERMITTED/GRANTED in accordance with the conditions specified.
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Signage Plan 220-11 revA
Signage Specification

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework and Planning Practice Guidance.
- 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 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.
- 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 & 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 & 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.
- 8 The main totem sign (ADV06) and illuminated lettering on the fascia signage of the forecourt canopy (ADV 01) are REFUSED for the reasons specified.
- 9 The size and height of the totem sign to the site frontage and the illuminated fascia signs and

potential hours of illumination would give rise to an unacceptable adverse impact on the visual amenities of the locality in conflict with the Supplementary Planning Guidance and the NPPF.