

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FG/85/18/A

LOCATION: 52-56 Ferring Street
Ferring
BN12 5JP

PROPOSAL: 1no.externally illuminated fascia sign & 2no. non-illuminated hanging signs

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The application site comprises a detached two storey building with a three A1 retail units at ground floor level and 4 no. 2 bedroom flats above.
CHARACTER OF LOCALITY	Village centre location with predominantly retail uses at ground floor and commercial and residential uses above. Area of public open space opposite.

RELEVANT SITE HISTORY

FG/167/14/PL	Demolition of 52-56 Ferring Street and construction of a two and a half storey building with accommodation in the roof, to provide a mixed use development of 3 No. two bed flats and 2 No. one bed flats and three retail units at ground floor (Use Class A1).	Refused 13-01-15
		Appeal: Dismissed 30-07-15
FG/206/15/PL	Demolition of 52-56 Ferring Street & construction of a two & a half storey building with accommodation in the roof, to provide 4No. 2 bedroom flats at ground, first & second floor & 3No. retail units at ground floor (Use Class A1)	App Cond with S106 24-02-16
FG/152/16/DOC	Application for approval of matters reserved by condition imposed under FG/112/16/PL relating to conditions 3 -	DOC Part Approved 16-05-17

schedule of materials & finishes, 5 - storage & disposal of waste, 8 - first floor balcony screening details & 9 - surface water drainage.

FG/10/18/DOC	Application for approval of details reserved by condition imposed under planning permission FG/206/15/PL relating to condition No. 9 (Surface water drainage scheme)	DOC Approved 23-02-18
FG/54/18/CLP	Lawful development certificate for a proposed natural dog spa (forming less than 10% of the overall area)	PP Not Required 03-07-18
FG/119/16/DOC	Application for approval of matters reserved by condition imposed under FG/206/15/PL relating to condition 3 for schedule of materials & finishes, 5 for storage & disposal of waste, 8 for details of first floor balcony screening & 9 for surface water drainage scheme.	Withdrawn 27-09-16

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council: No objection:

Ferring Parish Council recognises that the proposed illuminated sign is similar to the sign at Andalucia Restaurant. Ferring Parish Council requests that there is a condition on the application that the illuminated sign is switched off when the premises closes in the evening.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Class C Road

DEVELOPMENT PLAN POLICES

DDM4 D DM4 Extensions&alter to exist builds(res and non-res)

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD5 Advertisements

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

ADVERTS

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. it have an adverse impact upon the established character of the surrounding area.

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

PRINCIPLE

Policy D DM4 of the Local Plan 2011 - 31 deals with alterations to buildings and requires that alterations are sympathetically related and visually integrated with the existing building.

Para. 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.

The control system in place for advertising is concerned with the visual effect on its surroundings of an advertisement.

DESIGN & VISUAL AMENITY

The style of the proposed signage would include the lettering reading Browns Natural Pet Store, 2 hanging signs, one at either side of the frontage, and 3 black swan neck lights.

The main sign would utilise the following materials:

Back of sign: reclaimed timber across the front of the building.

Lettering: black aluminium composite lettering

Trim: dark grey metal edge trim

The hanging signs would use the following materials:

Sign: Oak (round) with CNC engraved logo.

Supports: dark grey brackets and iron chains.

Additionally 4 areas to the front of the building (shop front) , beneath the proposed signage, are proposed to be painted dark green (Dulux 50GY 13/136). As this application is an advert application no comment or assessment will be given regarding the proposed 4 x dark green areas.

From an assessment of the design and materials, the proposed signs are considered to be appropriate.

Officers note that the main sign is to be illuminated. Ferring Parish Council have commented on this application and do not object. Ferring Parish Council recognises that the proposed illuminated sign is similar to the sign at Andulcia Restaurant. Ferring Parish Council requests that there is a condition on the application that the illuminated sign is switched off when the premises closes in the evening.

From an assessment of the plans and the Officer's site visit, the design and location of the proposed adverts is not considered that to have an unacceptably adverse impact upon visual amenity nor will

residential amenity of nearby properties be unacceptably affected.

PUBLIC/HIGHWAY SAFETY

In the evaluation of the sign consideration has been given to its impact upon public safety, it is vital to consider 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.

Having regard to the Wessex County Council Highways Illuminated Sign Standing Advice, the illuminated sign would be sited within Ferring an area classified as Zone E3 (medium district brightness areas), having regard to the Institute of Lighting Engineers' Technical Report Number 5: Brightness of Illuminated Advertisements (2001) (as amended). Within Zone E3 signs with an illuminated area up to 10.00 metres squared should have a max luminance of 600 cd/m², while signs over 10.00 should have a max luminance of 600 cd/m².

The proposed main sign would be illuminated with 3 swan neck lights at an illuminance level of 100.00 cd/m². Officers consider the proposed illuminance to be very low, and combined with the proposed swan neck lights, which would angle the light directly at the sign, would not have a distracting, dazzling effect that would create a hazard for road users (Ferring Street).

Officers note that 2 hanging signs would project out over the pavement by 0.5 of a metre at a height of 2.075 metres from floor level. Additionally, Officers note Criterion (a) of condition ADVERT-2 Adverts (Safe display) which would be applied to any grant of planning permission. Criterion (a) states that:

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);

From an assessment of the plans and the Officers site visit it is considered that the Hanging signs would not endanger or impact upon the safe use of the highway.

As such, it is considered that the location and scale of the proposed signage is not considered to pose a hazard to public safety and complies with standing highways safety advice and conditions recommended by Highways England.

OTHER:

Officers note the No objection and comments raised by Ferring Parish Council whereby:

'Ferring Parish Council recognises that the proposed illuminated sign is similar to the sign at Andalucia Restaurant. Ferring Parish Council requests that there is a condition on the application that the illuminated sign is switched off when the premises closes in the evening.'

Officers are aware of the similar sign at Andalucia Restaurant granted under previous application FG/200/16/A. This application sought the replacement of the existing sign (at the time). Of note, is that Officers did not impose any such condition which would require the illuminated signage to be switched off at any point. Therefore given that the proposed signage is proposed to have an illuminance level of 100.00 cd/m, which is considered to be low, Officers do not consider the need to impose time limit for the illumination.

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**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:

AL-110 Rev A, AL-111, AL112 Rev V2 (not including dark green panels) Rev V2.

Reason: Reason: For the avoidance of doubt and in the interests of amenity and the environment.
- 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 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 100 cd/m.

Reason: In the interests of the visual amenities of the locality and road safety

- 7 The illumination of the proposed sign shall be of a non-intermittent type.

Reason: One or both of the following:-

- (a) In the interests of the visual amenities of the locality in accordance with