Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FP/103/25/A

LOCATION: 97 Felpham Way
Felpham
Bognor Regis
West Sussex
PO22 8QB

PROPOSAL: Installation of 1 No. internally illuminated sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site is a petrol station with open forecourt with a canopy over petrol pumps, car wash facility and a single storey retail unit.
CHARACTER OF LOCALITY	The site is located on a main road and is surrounded by a mix of residential and retail uses of varying architectural styles. A workshop building to the north; two-storey terraced residential dwellings to the west; and retail units to the east.

RELEVANT SITE HISTORY

FP/241/08/A	1 no. internally illuminated pole mounted double sided display unit.	Refused 11-02-09 **Appeal: Dismissed 05-08-09**
FP/19/99/A	Illuminated signage to premises: 1 no pylon sign, 3 no canopy fascia signs, 1 no shop fascia sign, 1 no poster sign, 2 no spreader boxes and 1 no car wash fascia sign	Apprvd/Cond ADV 17-05-99

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council- No objection.

No representation from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways (LHA)
LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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 proposal seeks planning permission for the installation of an internally illuminated digital advertisement panel measuring approximately 1.2 metres in width and 2.4 metres in height. The panel would be located at the western entrance to the forecourt, directly facing the approach.

The surrounding area comprises a mix of uses, and there are several existing advertisements within the immediate vicinity. As such, the introduction of a digital advertisement panel would not appear incongruous within the context of the site.

The proposed digital panel would operate at a luminance level of 300 cd/m2 during night-time hours (dusk to dawn), which aligns with the guidance provided by West Sussex County Council, who have raised no objections to the application. During daytime hours, the maximum illumination level would be be 5000 cd/m2, consistent with the recommended brightness levels for an E3 Environmental Zone as set out in the Institute of Lighting Engineers' Professional Lighting Guide 05/23 - "The Brightness of Illuminated Advertisements including Digital Displays" (2023).

The existing banner signs and advertisements are proposed to be removed and replaced by the digital panel. This change would represent an enhancement to the site's visual amenity by consolidating signage and reducing overall visual clutter.

The proposed signage would not harm visual amenity or the character of the area, in accordance with policy D DM1 of the Arun Local Plan.

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 illuminated signage would replace existing non-illuminated signage and would be located in an area where such advertisements are commonly found. 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

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 17/09/2030.

Reason: In the interests 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 Location Plan 01
- Proposed Site Plan 03
- Proposed Site Plan 04
- Existing and Proposed Elevations 05
- Specification 06
- Existing and Proposed CGI 07

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 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.

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 and Country Planning (Control of Advertisements) Regulations 2007.

8 The intensity of illumination of the proposed sign shall not exceed 300 candelas per square metre during hours of darkness.

Reason: Reason: In the interests of the visual amenities of the locality and road safety in accordance with Arun Local Plan Policy D DM1 & T SP1.