

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FP/231/18/A

LOCATION: Tesco Express
126 Felpham Way
Felpham
PO22 8QW

PROPOSAL: Installation of 6No.non illuminated vinyl signs applied to glazing and 1No. non illuminated panel to ATM surround.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Installation of 6No. non illuminated vinyl signs applied to glazing and 1No. non illuminated panel to ATM surround.
SITE CHARACTERISTICS	Tesco Express.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

FP/83/14/A	Various illuminated and non illuminated signs on various elevations.	ApproveConditionally 18-06-14
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Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
Felpham Parish Council:
No objection received from Felpham Parish council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary.

Class B Road

DEVELOPMENT PLAN POLICES

DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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NPPG	National Planning Practice Guidance
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SUPPLEMENTARY POLICY GUIDANCE:

SPD5	Advertisements
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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

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

Paragraph 132 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'. Paragraph 3.1 of the Councils adopted Supplementary Planning Guidance for adverts confirms that '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

DESIGN AND VISUAL AMENITY

The proposal seeks approval to install 6No. no illuminated vinyl signs to be applied to the glazed windows and install 1No. non-illuminated panel to the ATM surround. Given the extent of advertisements already present on the site and in immediate vicinity the design and location of the proposed adverts are not considered to be unacceptably adverse impact upon visual amenity nor will residential amenity or nearby properties be unacceptably affected.

PUBLIC 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. The location and scale of the sign is not considered to pose a hazard to public safety and complies with WSCC Highways standing advice on safety.

SUMMARY

In summary the advertisements in terms of size, materials, illumination and layout are considered unlikely to detract from the appearance of the building. Further it is considered that the proposal would not have an adverse effect on amenities or public safety.

In the absence of harm to amenity or public safety, it is recommended that the application be approved subject to the following conditions and informatives.

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 Proposed plan 02_5809_02b and Proposed Elevation 03_5809_03b.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM4 of the Arun Local Plan.

- 2 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.

- 3 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.

- 4 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.