Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **FP/235/13/A**

LOCATION: Phase 5A
Site 6
Land North of Felpham Bognor Regis

PROPOSAL: 1No. internally illuminated fascia sign, 1No. externally illuminated fascia sign, 2 No. illuminated vinyl graphics sign & 3 No. externally iluminated vinyl graphics sign to various elevations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for 1 internally illuminated fascia sign and 1 externally illuminated fascia sign for the Marketing Suite building, 6 x type A sign, 3 x type B sign, 1 x type sign C, 1 x type D sign, 1 x type E sign and 1 x type F sign, plus 11 flag poles.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hoarding around the development site.
SITE CHARACTERISTICS	The site is part of the development site of Site 6. Currently building construction is taking place on the site.
CHARACTER OF LOCALITY	Predomintly residential.

RELEVANT SITE HISTORY

FP/235/13/A 1 no. internally illuminated fascia sign, 1 no externally illuminated fascia sign, 2 No. illuminated vinyl graphics sign & 3 No.extermally illuminated vinyl graphics sign to various elevations.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council:
No objection.

1 letter of objection as the signs are directly opposite the proposed site with rear garden facing directly south towards the new junction of Stanover Lane and the light pollution would spoil the vista from the garden.

Comments on Representations received:

Parish Council comments noted.

Noted. Carpenters Cottage is approxamately 200m from the site and therefore it is not considered that the illumination would adversely affect this property.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Site 6

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX4	Supplementary Planning Guidance for Advertisements.

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual amenity, aural amenity, public safety, quality of the environment and impact upon the character of the local area.

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
The signs are required for the David Wilson Homes marketing suite, as part of the Site 6 development marketing of the site.

NATIONAL PLANNING POLICY FRAMEWORK
The NPPF paragraph 67 states only advertisements which will clearly have an appreciable impact on a building or on 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 impacts.

VISUAL IMPACT
The signs are confined to the marketing suite and car park within the site 6 complex and it is not considered that the signs which are low key, would significantly impact on the visual amenity of the area. Details have been submitted concerning the signs on the building, but no details of signs for the surrounding car park area have been submitted therefore there is insufficient details to determine the potential impact of these advertisements which are annoted on the plan as type A to F inclusively.

HIGHWAY SAFETY
The signs do not impact upon any public highway and therefore there are no impacts on highway safety.

SUMMARY
The signs on the marketing building are considered to be necessary for the sale of new houses, they do not cause any visual harm and neither do they have any significant impact on highway safety. However, we have not had details of the signs for the car park, therefore it is recommended that the application is approved in part for the marketing suite with the following conditions and refused for the signs type A to F inclusive by reason of insufficient detail of the signs in the car park.

HUMAN RIGHTS ACT

FOR APPROVAL
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) 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 none of the following impacts (negative, Neutral or positive) 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).

RECOMMENDATION

PART APPROVE/PART REFUSE

1 The signs affixed to the marketing suite buiding of the proposed development is PERMITTED/GRANTED in accordance with the conditions specified.

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 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.

6 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.

7 The intensity of illumination of the proposed sign shall not exceed 600 cd/m2

Reason: One or both of the following:-

In the interests of the visual amenities of the locality in accordance with policies of the Arun District Local Plan.

8 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 the NPPF.

9 Signage type A to F inclusive and the 11 flag poles of the proposed development is REFUSED for the reasons specified.

10 On the basis of the information available the Local Planning Authority is not satisfied that the proposed development can be undertaken in a satisfactory manner for the advertisements proposed annotated on plan-Sales/PH.5A/121114 as types A, B, C, D, E, and F. and the 11 flag poles as no details have been submitted of the proposed advertisements

11 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.