

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FP/247/21/A

LOCATION: 26 Felpham Road
Felpham
PO22 7AZ

PROPOSAL: Installation of 1 No. externally illuminated fascia sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to install 1 No. externally illuminated fascia sign to the front elevation.
SITE CHARACTERISTICS	The premises is a ground floor retail unit, proposed to be used as a cafe. It is located at the end of a small parade of shops.
CHARACTER OF LOCALITY	The area is of mixed use, with the majority of neighbouring properties being used for retail and the surrounding area being predominantly residential. The premises sits next to the main road through Felpham Village.

None.

REPRESENTATIONS

Felpham Parish Council - No Objection.

One Objection from nearby occupiers:

- Objection towards the development of the cafe itself and installation of extraction systems, but no direct objection to the proposal outlined in this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary
2km Buffer for Site of Special Scientific Interest
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

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

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The key policies concerned with this application are D DM4, and the NPPF and NPPG.

Paragraph 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.

DESIGN AND VISUAL AMENITY

The proposal is located in a built up area and is situated within a small shopping parade.

The fascia signage will be located to the front elevation of the premises. The proposal is well designed, simplistic and does not appear cluttered. The signage is not overly obtrusive or harmful to the visual appearance of the premises, with no adverse impact on visual amenity. Being in the vicinity of other commercial premises with similar fascia, the proposal is not out of place and is in keeping with the general appearance and character of the area. Although the signage is externally illuminated, it will be kept to a maximum illumination of 300 cd/m² and will not have an adverse impact upon neighbouring properties and residential amenity.

The proposal has no adverse harm upon design or visual amenity and is in accord with D DM4 and the NPPF.

PUBLIC SAFETY

In terms of public safety, it has to be considered 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 proposal is situated next to a road, with pavements either side. Therefore considered the signage must not be overtly intrusive or distracting to the users of these amenities. The signage faces parallel to the road and is directly opposite the junction for Links Avenue. Its location potentially gives rise to distraction at this junction, but given the design is not obtrusive or excessively illuminated, is not considered to be a detrimental distraction or at adverse risk of harm to road users. It is a simple design, and although externally illuminated, does not exhibit features which may distract or compromise the safety of road users or pedestrians. The signs are set back from the street and the impact of the illumination is limited and minimal. The proposal is not considered to have adverse impact upon public safety to pedestrians or road users and is in accord with D DM4, NPPF and NPPG.

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

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 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.

- 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 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.

- 5 The intensity of illumination of the proposed sign shall not exceed 300 cd/m².

Reason: In the interests of the visual amenities of the locality in accordance with the NPPF.