

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: LU/278/21/A

LOCATION: 2 Wick Parade
Wick Street
Littlehampton
BN17 7JQ

PROPOSAL: Retention of 1 No. internally illuminated fascia sign & surround sign around ATM on front elevation of shopfront.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The application seeks retrospective advert consent for the retention of the existing internally illuminated fascia and surround signage above and around the ATM cash point and set within the black solid panel in the shopfront. The signage is perspex sheet, mainly green and black in colour with white translucent lettering. The illumination is internal and static. The light levels are approx. less than 60 lux at 1 metre and with ambient lighting of approx. less than 80 lux.
SITE CHARACTERISTICS	Ground floor commercial unit, operated as a take-away known as 'Rooster Village'. Residential flats above. Unit is located within Wick Parade, a three storey, post-war, purpose-built, parade of commercial units at ground floor level with flats on upper floors. Communal parking area to the front of the parade. Service area (with bins), garages and parking to the rear of the parade.
CHARACTER OF LOCALITY	Wick Parade is not a primary or secondary shopping frontage but is defined as a Suburban Centre (under the Arun Local Plan) and as a Local Centre (under the Littlehampton Neighbourhood Plan). Wick Parade is to the west of Wick Street within the Built-up Area Boundary of Littlehampton. Edge of town centre character with mix of residential dwellings and commercial units. Directly to the north of Wick Parade is a Grade II listed thatched cottage (Leila Cottage, no. 129 Wick Street).

RELEVANT SITE HISTORY

LU/277/21/PL	The retention of an automated teller machine. This application is in CIL Zone 4 (Zero Rated) as other development.
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LU/216/20/PL	Change of use from newsagents (A1 shop) to hot food takeaway (A5 Hot Food Take Away), replacement shopfront including ATM, external alterations to rear elevation & installation of roof mounted extract flue & fresh air intake pipe (re-submission following LU/84/20/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'.	ApproveConditionally 08-10-20
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LU/216/20/PL - change of use from shop (former A1 use) to hot food take-away (former A5 use), replacement shopfront, provision of ATM and new rear intake/extract flues - granted October 2020.

LU/277/21/PL- current application for planning permission for retention of ATM. To be approved shortly.

REPRESENTATIONS

Littlehampton Town Council -
No objection.

No other representations have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways -
Refer to standing advice.

Environmental Health -
No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:
Built-Up Area Boundary (Littlehampton)
Suburban Centre - Arun Local Plan
Local Centre - Littlehampton Neighbourhood Plan
Grade II listed building (Leila Cottage) to north of Wick Parade

DEVELOPMENT PLAN POLICIES

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

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

QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

INTRODUCTION:

Paragraph 136 of the National Planning Policy Framework (NPPF) 2021 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 Arun District Council Advertisement Supplementary Planning Guidance (SPG) adopted 2003 provides detailed guidance in respect of advertisements within the District and states "The display of outdoor advertisements can only be controlled in the interests of 'amenity' and 'public safety'".

KEY ISSUES:

The key issues in the determination of this advert consent application are as follows;

- Visual amenity impact
- Residential amenity impact
- Public safety impact

VISUAL AMENITY IMPACT:

Policy D DM4 of the Arun Local Plan (2018) sets out criteria for which applications relating to alterations of existing buildings must be assessed against including (a) the alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials and (b) the alteration is visually subservient to the main building.

The ADC Advertisements SPG (2003) sets out detailed guidance in respect of the visual amenity impacts of adverts, including a set of principles which proposals should be considered against as follows; scale and proportion, detailing, visual clutter and location. Advertising is generally considered out of place within predominantly residential areas. In respect of illuminated signs, it states these have the increased potential to distract and can be detrimental to the visual amenity of an area. It sets out some principles for these types of signs including; intermittent (flashing) lighting and very brightly lit signs will not be acceptable, illuminated signs should not be located above ground level, and moving parts on signs are generally not acceptable. The SPG also refers to adverts on shopfronts, stating "Shop fronts are increasingly used to display multiple advertisements, often in bright colours and large font type in an attempt to be eye catching. This can detract considerably from the character of some streets and locations; therefore it will not normally be acceptable."

The fascia and surround signage is located at ground floor level and is above/around the ATM cash point within the solid side panel of the glazed shopfront. The signage is proportionate and subservient in scale to and visually integrated with the shopfront and building so it does not visually dominate or detract from the building. Their siting within a shopfront in a parade of commercial units means the signage appears as a typical feature within this commercial setting and is not unduly visually prominent or intrusive. Taken in combination with the black metal framing and black main fascia sign (not considering its lettering and logo which do not yet appear to have advert consent), the addition of this ATM signage in black and green visually integrates and does not result in the frontage appearing overly cluttered. The signage is internally illuminated, and follows the principles of the SPG as it is located at ground level, is static (not intermittent) illumination, is low level (not brightly lit) lighting at 100 cdm/m² and has no moving parts. The font type size and simple colours of black, green and white integrate with the shopfront.

In conclusion, the signage has an acceptable impact on the visual amenity of the building and street scene, in accordance with the NPPF, policy D DM4 of the Arun Local Plan, and the ADC Advert SPG.

RESIDENTIAL AMENITY IMPACT:

Policy D DM4 (c) requires that alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy QE SP1 states the Council requires development to contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policy QE DM2 seeks to protect residents

against light pollution.

The ADC Advertisements SPG (2003) states that "Illuminated advertisements have an increased potential to distract, they can be...intrusive to any adjoining residential areas or properties." In respect of illuminated signage, the SPG states that these will be assessed by the Council's Environmental Health and conditions may be used restrict hours of illumination where it is considered lighting would be a nuisance, which is particularly relevant for neighbourhood parades close to predominantly residential areas.

There are residential flats above the existing commercial parade at ground floor level. However, external balcony/platform access to the flats is located directly above the commercial units in the parade and separates the flats and their windows from any illumination impacts from signage below. In addition, the lighting level of the new signage is limited to 100 cdm/m² which is very low level. As such, it is concluded that the signage does not give rise to any harmful light pollution to neighbouring residential properties. Residential amenity is protected, in accordance with the NPPF, policies D DM4, QE SP1 and QE DM2 of the Arun Local Plan and the ADC Advert SPG.

PUBLIC SAFETY IMPACT:

Para. 111 of the NPPF 2021 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The ADC Advert SPG 2003 states that in respect of illuminated signage is should not create glare for road users.

In the evaluation of the advertisements, consideration must be given to their impact upon public safety. It is vital to consider whether the advertisement itself or its location are likely to be so distracting or so confusing to those passing it, that it creates a hazard and endangers peoples safety (e.g. drivers etc.), or that its height and projection is safe for passers by (i.e. pedestrians etc).

WSCC Highways have been consulted and stated that the Local Planning Authority should refer to the standing advice for consideration of such applications.

The signage is minimally projecting so as not to result in any obstruction to users of the adjacent pavement, and its location, scale, design and low level illumination means it is not considered to pose a hazard to road users.

The signs are not considered to result in any risk upon public safety, or upon the safety of pedestrians and highway users, in accordance with the NPPF, and the ADC Advert SPG.

SUMMARY:

In the absence of harm to amenity (visual and residential) or public safety, it is recommended that the advert consent 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 development hereby approved shall be carried out in accordance with the following approved plans:
 - Proposed ATM installation for Cashzone Proposed Plan and Elevation (drawing no. E023725 Rev 01)
 - Illuminated Fascia Panel (drawing no. NW0014)
 - Illuminated Surround Sign (drawing no. NW0004)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1 and D DM4 of the Arun Local Plan.
- 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 signage consented shall not exceed 100 cd/m².

Reason:

(a) In the interests of the visual and residential amenities of the locality in accordance with policies D DM4, QE SP1 and QE DM2 of the Arun Local Plan.

(b) In the interests of road safety in accordance with the National Planning Policy Framework 2021.

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

Reason:

(a) In the interests of the visual and residential amenities of the locality in accordance with policies D DM4, QE SP1 and QE DM2 of the Arun Local Plan.

(b) In the interests of road safety in accordance with the National Planning Policy Framework 2021.

- 8 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.