

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: LY/2/20/A

LOCATION: McDonald's Restaurant
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: 4 No. internally illuminated digital free standing signs & 1 No. internally illuminated digital booth screen.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is open plan.
SITE CHARACTERISTICS	The site is open plan.
CHARACTER OF LOCALITY	Services which include a petrol station and a hotel in addition to the application site.

RELEVANT SITE HISTORY

LY/16/16/PL	Patio area with new furniture & paving.	Withdrawn 23-08-16
LY/15/16/NMA	Application for a non- material amendment following the grant of LY/10/16/PL for formation of approved patio area with additional paving & new tables & chairs.	Approve 19-08-16
LY/10/16/PL	Refurbishment of the restaurant including minor extension, works to elevations, new cladding to the roof & new drive through booths. Alterations to the site, inclusive of the increase in car parking capacity	ApproveConditionally 19-07-16
LY/11/16/A	Relocation of 2No. internally illuminated fascia signs & installation of 3No. internally illuminated fascia signs	ApproveConditionally 19-07-16

LY/5/16/A	Relocation of 2No. internally illuminated white fascia signs & 4No. internally illuminated yellow symbols	
LY/22/13/A	Reconfiguration of existing signage suite including the relocation of signs plus additional signage. The suite comprises 6No. freestanding signs and 1No. side by side directional to various locations within the site.	ApproveConditionally 11-12-13

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Lyminster & Crossbush Parish Council
No response from Lyminster Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Outside the Built Up Area Boundary
Area of Special Control (Adverts)

DEVELOPMENT PLAN POLICIES

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. 1995, as amended.

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 '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

There are existing signs in place, however these will be replaced by 4 No. free standing signs. 3 of these will have a double sided screen and 1 will have a single sided screen. There will also be 1 screen attached to the building however is small in size.

The free standing signs will be illuminated to 600cd/m². The screen attached to the building will be 1600 cd/m² however due to its small size is not considered to give rise to adverse impacts.

These are set back from the street scene and as a result of the signs being largely replacement in appearance and given the extent of advertisements already present on the site and in the immediate vicinity, the proposed adverts are not considered to have an unacceptably adverse impact upon visual amenity in the area.

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 proposed advert by virtue of its location and size are not considered to have an adverse impact of the safety of pedestrians or road users.

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 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Location Plan P19-062-0541 Rev 01A
 - Block Plan P19-062-0541 Rev 02A
 - Site Signage Details-SBS P19-062-0541 Rev 301C
 - Digital Drive Thru Lane- Proposed Signage Issue 01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 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 & Country Planning (Control of Advertisements) Regulations 2007.

- 4 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.

- 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 & 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 freestanding double and single sided screens shall not exceed 600cd/m².

Reason: In the interests of the visual amenities of the locality in accordance with D DM1 of the Arun Local Plan.

- 8 The intensity of illumination of the digital screen attached to the booth shall not exceed 1600 cd/m².

Reason: In the interests of the visual amenities of the locality in accordance with D DM1 of the Arun Local Plan.

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

Reason: In the interests of the visual amenities of the locality in accordance with D DM1 of the Arun Local Plan.