

Recommendation Report for Consent to Display an Advertisement(s)

**REF NO:** R/163/19/A

**LOCATION:** 6-8  
6 Ash Lane  
Rustington  
BN16 3BP

**PROPOSAL:** 1 No. external 46' digital merchandising TV screen, 1 No. freestanding merchandising unit TV screen/light box and 1 No. internally illuminated projecting signage.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION      | The proposal seeks advertisement consent for 1 No. external 46' digital merchandising TV screen, 1 No. freestanding merchandising unit TV screen/light box and 1 No. internally illuminated projecting signage. |
| RESIDENTIAL DEVELOPMENT DENSITY | N/A                                                                                                                                                                                                             |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                             |
| TREES                           | None of any significance affected by the proposed development.                                                                                                                                                  |
| BOUNDARY TREATMENT              | The site directly abuts the street scene.                                                                                                                                                                       |
| SITE CHARACTERISTICS            | Commercial.                                                                                                                                                                                                     |
| CHARACTER OF LOCALITY           | Mixed, but predominantly commercial at ground floor.                                                                                                                                                            |

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| <b>RELEVANT SITE HISTORY</b> |
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| R/264/05/A | 3 no. internally illuminated fascia signs and 1 no. externally illuminated projecting sign | ApproveConditionally<br>02-02-06 |
|------------|--------------------------------------------------------------------------------------------|----------------------------------|

Noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Rustington Parish Council  
Parish Council - No objection.

No representations received from occupiers of nearby dwellings.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATION RESPONSES RECEIVED:**

None.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:

Within built up area boundary

**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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| <b>DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND</b> |
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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.

### AMENITY

The proposed advertisements are considered to be acceptable in design terms, this is as a result of the existing advertisement present at the site, and within the wider locality (due to it's High Street location).

### PUBLIC SAFETY

In the evaluation of the signage, consideration must be 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 proposed advertisements are not considered to post a hazard to public safety. None of the proposed signage is located in locations, or are of scales that are uncommon along high streets, and are as such, not considered to result in any change to the safety of the public in the area.

### SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

## 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

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.

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| <b>RECOMMENDATION</b> |
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**APPROVE CONDITIONALLY**

- 1 The development hereby approved shall be carried out in accordance with the following approved plan and statement:

- Elevations - 10064 - May 2017
- Design Statement - (shows details of the fascia boards, column and hanging signs)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the National Planning Policy Framework.

- 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.