Recommendation Report for Consent to Display an Advertisement(s)

REF NO: **R/174/15/A**

LOCATION: 137 The Street
Rustington

PROPOSAL: 2 No. internally illuminated fascia signs on front & side elevation (resubmission following R/4/15/A).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 66 square metres
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The building's edges define the main site boundaries
SITE CHARACTERISTICS	The site comprises a retail premises specialising in children's clothes and accessories. The building is single storey in height with a flat roof. It is situated on the corner of a shopping parade
CHARACTER OF LOCALITY	Predominantly commercial/retail in character in a High Street location. Residential properties above shops and to the south of the application site

RELEVANT SITE HISTORY

R/4/15/A	2 No. illuminated fascia signs to front & side elevations with halo LED illuminated letters	ApproveConditionally 20-02-2015

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Class B road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D SP1 Design
QE DM2 Light Pollution
QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD5	Advertisements

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

Para. 67 of the National Planning Policy Framework (NPPF) states that 'advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. Para. 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.

This application follows an earlier advertisement consent approval for the illuminated signage and seeks to extend the hours of illumination beyond the 4pm to 7pm illumination restriction imposed on R/4/15/A.

In terms of 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 siting coupled with the scale of the adverts will ensure that they do not affect public safety. A condition of the approval will require the applicant to ensure that the adverts are erected and maintained in good order to ensure they do not become a danger to those people visiting the site.

As for the visual impact, this is also considered to be acceptable. The proposed advertising is located on a shop frontage which is situated within an established shopping precinct. It is therefore considered to be consistent with other illuminated advertisements in the vicinity which includes Superdrug, Clarks and Boots, the latter of which has internally illuminated signs.

With 2no. illuminated signs being proposed situated above 2.2m above ground level and measuring at a maximum 3.5m in length and 1m in height, it is considered that these would not result in excessive signage within the locality and they are all located within the development site. This together with a level of illumination which is to be expected and acceptable for this retail environment means that they are acceptable in visual terms. The signs can be further controlled by way of an appropriate condition which will ensure that residential amenity of nearby properties above shop units would not be unduly harmed. Whilst the lighting is limited to only two signs, it is considered prudent to also attach a condition to this approval to restrict the illumination of the signs to 8.00am - 10.00pm every day given that the site is located adjacent to a residential area and with residential properties above the adjacent retail units.

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

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 (the right to respect for 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 neutral 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).

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 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.

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 fascia sign 1 measuring 3.5m in length, 0.9m in height and 0.05m deep shall not exceed 420 candelas and 320 candelas for fascia sign 2 which measures 3m in length, 0.7m in height and 0.05m deep.

Reason: In the interests of the visual amenities of the locality in accordance with the NPPG and Advertisement SPG.

7 The 2 No. illuminated adverts hereby approved shall only be illuminated between the hours of 8000 hours and 2200 hours every day.

Reason: In the interests of the visual and residential amenities of the locality in accordance with the NPPG and Advertisement SPG.