

**Recommendation Report for Consent to Display an Advertisement(s)**

**REF NO:** R/224/13/A

**LOCATION:** Sainsburys Supermarkets Ltd, Unit C  
New Road  
Rustington Littlehampton

**PROPOSAL:** 8 x non illuminated height restriction hanging signs & 15 x non illuminated totem poles to various locations within the site.

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | The proposal includes various illuminated and non-illuminated signage at Sainsbury's superstore at Rustington Retail Park.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| SITE AREA                   | 2.34ha                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| TOPOGRAPHY                  | Predominantly flat but a lower level than the main road by upto 2 metres.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| TREES                       | There are a number of trees along the southern, eastern and -north western boundaries that will not be affected by the proposals.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| BOUNDARY TREATMENT          | <p>Northern boundary is marked by a 1.5- 2 metre tall retaining wall with the A259 beyond.</p> <p>Eastern boundary is marked by a variety of trees of up to 6 metres in height, beyond which is Darlington Court a residential care home.</p> <p>The southern boundary is again marked by a variety of trees and shrubs with 2 metre tall fencing beyond. To the south of the site are residential properties located on Burmill Court and Dinsdale Field.</p> <p>The western boundary is marked by the site access road, beyond which is the rest of Rustington Retail Park.</p> |
| SITE CHARACTERISTICS        | The site is currently occupied by a Sainsburys retail store (use class A)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| CHARACTER OF LOCALITY       | The area is an out of town centre retail park with residential properties to the south and west of the site. The A259 a dual carriageway A road, which is part of West Sussex County Council Local Transport Plan 3 "Strategic Route Network", is to the north of the site.                                                                                                                                                                                                                                                                                                       |

The area to the north of the site is open agricultural fields with residential dwellings approximately 300 metres to the north.

#### **RELEVANT SITE HISTORY**

|             |                                                                                                                                                    |                                    |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| R/59/12/    | Demolition of existing foodstore. Construction of A1 Class retail foodstore, service yard, covered customer car park and landscaping improvements. | Approved Cond + S106<br>01-11-2012 |
| R/34/13/DOC | Application to discharge conditions 5,12,13,17,20 and 21 imposed under planning application R/59/12                                                | DOC Part Approved<br>07-06-2013    |
| R/140/13/   | Installation of transformer and generator at ground floor level along with rooftop air handling units and condenser units.                         | Refused<br>19-08-2013              |
| R/139/13/A  | Various signage within the site                                                                                                                    | Part Apprv/Part Refu<br>22-08-2013 |

The application relates to new advertisements and signage relating to the approved redevelopment of the superstore permitted by application R/59/12/.

A previous application A/139/13/A was subject to a split decision. An element that was refused is part of this application.

#### **REPRESENTATIONS**

##### **Representations received:**

Rustington Parish Council  
Angmering Parish Council  
- no objection.

Angmering Parish Council - no objection.

##### **Comments on Representations received:**

No comments

#### **CONSULTATIONS**

Environmental Health

##### **Consultations responses received:**

Arun District Council Environmental Health - No objection.

West Sussex County Council Highways Standing Advice-

- not likely to obstruct pedestrian and vehicular visibility splays
- not likely to distract motorists
- no going to cause an obstruction

##### **Comments on Consultation responses:**

In response to the Environmental Health Officer's response, the applicants have submitted sufficient information that the proposed illuminated signs will comply with the requirements of Environmental Zone E3.

#### **POLICY CONTEXT**

Designation applicable to site:  
Within Built-Up Area  
Class A road

#### **DEVELOPMENT PLAN POLICIES**

Arun District Local Plan: [GEN33](#) Light Pollution

#### **PLANNING POLICY GUIDANCE**

NPPF National Planning Policy Framework

#### **SUPPLEMENTARY POLICY GUIDANCE**

XXX4 Supplementary Planning Guidance for Advertisements.

#### **POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions made under the Regulations are made only in the interests of amenity and public safety. Section 38(6) of the Planning and Compulsory Purchase Act 2004, does not apply to advertisement applications.

#### **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**

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions made under the Regulations are made only in the interests of amenity and public safety. Section 38(6) of the Planning and Compulsory Purchase Act 2004, does not apply to advertisement applications. I shall therefore have regard to the Development Plan as a material consideration in this application.

The NPPF at paragraph 67 states:

"Only those advertisements which will clearly have an appreciable impact on a building or their surroundings should be subject to the Local Planning Authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact".

As the NPPF makes clear, 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.

#### **ASSESSMENT OF THE PROPOSED ADVERTS**

The following adverts are proposed throughout the site

- A) 1 x non-illuminated headroom sign;
- B) 2 x non-illuminated pedestrian crossing sign;
- C) 2 x non-illuminated disabled parking sign;
- D) 2 x non-illuminated recycling bay sign;
- E) 2 x non-illuminated bus stop sign;
- F) 2 x non-illuminated no entry/give way sign;
- G) 2 x non-illuminated motorcycle sign;
- H) 2 x non-illuminated cycle sign;
- I) 2 x non-illuminated pick up point sign;
- J) 1 x internally illuminated 5.7m totem sign;

It is considered that signs A - I are positioned within the site such that they will not have an appreciable impact on the buildings or its surroundings and is therefore considered acceptable. As per paragraph 67 of the NPPF these have not been subject to detailed assessment.

#### **ADVERTISEMENT J**

The proposed totem is located on the north-western corner of the site adjacent to the road frontage. The proposed sign measures 5700mm tall and 2000mm wide.

An application for the proposed totem in a nearby location was previously refused on the grounds that the proposed positioning would have required the removal of a number of trees which contribute to the amenity of the area. The current application moves the sign to allow these trees to be retained.

The totem will be a prominent feature on the road frontage, however it will be viewed in the context of the adjacent retail foodstroe. It is therefore not considered that the sign in itself would have a deleterious effect on the amenity of the area and is recommend for approval.

#### **CONCLUSION**

Based on the considerations set out above, the application is not likely to have an impact on the amenity of the area and is recommend for approval subject to 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 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.