

Recommendation Report for Consent to Display an Advertisement(s)**REF NO:** R/76/17/A**LOCATION:** 1 Ash Lane
Rustington**PROPOSAL:** 1 No. internally illuminated fascia sign on front elevation & 1 No. internally illuminated totem sign.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front elevation of the site faces the road so it is very open plan.
SITE CHARACTERISTICS	The site is an ex-car dealer, but there is a current planning proposal (of which this application relates to) that change the use into a restaurant.
CHARACTER OF LOCALITY	Commercial.

RELEVANT SITE HISTORY

R/150/87	Temporary change of use (affecting forecourt only) from petrol forecourt with car sales area to area entirely for car sales involving the removal of petrol pumps and ancillary equipment and canopy over	ApproveConditionally 13-07-1987
R/65/90/A	1 no. internally illuminated fascia, 1 no. internally and externally illuminated fascia sign, 2 no. internally illuminated freestanding signs and 1 no. non-illuminated customer parking sign.	Refused 23-07-1990
R/76/91/A	1 no externally illuminated fascia sign, internally illuminated Rover Logo and Dealer Name letters, 1 no non- illuminated free standing directional sign and 1 no double-sided illuminated primary obelisk sign	Inc Docs Ret'nd 15-07-1991
R/108/91/A	1 no.externally illuminated fascia sign,internally illuminated Rover Logo and	Apprvd/Cond ADV 09-09-1991

Dealer Name letters, 1no. non-illuminated
free standing directional sign and 1no.
double-sided illuminated primary obelisk sign.

R/108/92	Renewal of Temporary Planning Permission R/150/87 for temporary change of use (affecting forecourt only) from petrol forecourt with car sales area to area entirely for car sales.	ApproveConditionally 22-09-1992
R/50/98	Change of use from offices back to two residential flats	ApproveConditionally 19-06-1998
R/17/01/	Change of use from petrol forecourt with car sales area to area entirely for car sales leaving canopy in-situ (affecting forecourt only - now closed and non operational)	ApproveConditionally 02-03-2001
R/96/01/A	Internally illuminated fascia sign and pylon sign (floor mounted illumination).	Apprvd/Cond ADV 08-06-2001
R/95/01/	Construction of store/garage of timber frame construction in carpark, installation of air conditioning units.	ApproveConditionally 13-07-2001

Planning history noted.

REPRESENTATIONS

Representations received:

Rustington Parish Council
Parish Council - No objection.

No representations from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

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

INTRODUCTION

As set out in the Development Plan Background section of this report the Councils consideration of this proposal is limited to amenity and public safety. These issues are considered below.

AMENITY

Paragraph 67 of the NPPF states that "Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on 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 impacts." The level of illumination is 300 candelas/m² which is acceptable in a predominantly commercial location. This is a location where the previous use enjoyed similar advertisement.

PUBLIC SAFETY

The signs have a limited visual impact and are not considered to be unduly intrusive or distracting to highway users. The proposed signs are of relatively limited visual impact when viewed in the context of their commercial location. The signs are not considered to result in undue distraction to highway users, given their location, type and number.

CONCLUSIONS

The signs are not considered to give rise to any level of significant harm to amenity or to public safety such that consent ought not to be granted. It is noted that the totem sign is in an area of which there was an existing totem sign.

It is therefore recommended that advertisement consent be granted subject to the following conditions.

HUMAN RIGHTS ACT

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 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

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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 the proposed sign shall not exceed 300 candelas/m²

Reason: In the interests of the visual amenities of the locality in accordance with the NPPF.

- 7 The signs hereby approved shall not be illuminated except between the hours of:

08.00 to 23.30 Monday to Sunday.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.