

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: R/90/15/A

LOCATION: National Westminster Bank
154-160 The Street
Rustington

PROPOSAL: 1 No. internally illuminated fascia sign, 1 No. internally illuminated hanging sign,
1 No. internally illuminated light pocket, 1 No. internally illuminated ATM
surround & 1 No. non illuminated external name plate on front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 226 metres squared.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The primary elevation of the site is abutting the public footpath.
SITE CHARACTERISTICS	The site is approximately 226 metres squared.
CHARACTER OF LOCALITY	The locality of the site is predominantly retail at ground floor level with residential accommodation located at first and second floor level above many of the shops.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within Built Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7
GEN33

The Form of New Development
Light Pollution

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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

The proposed signage will be affixed to the primary elevation of 154-160 The Street replacing the existing signage already present upon this elevation and is similar in appearance to that now proposed.

Paragraph 77 of the NPPF states that "Poorly placed advertisements can have a negative impact

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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."

It is not considered that the adverts proposed in this application will have an adverse impact upon the visual amenity of the street scene given the considerable number of adverts already present on the various commercial uses already in existence on the street. The proposed signage has the potential to impact upon the residential properties located at first and second floor level in close proximity to the application site and as such a condition restricting the times of illumination to between 0630 and 2200 has been included. The illumination levels of the advertisements have been restricted to no more than 800 cd/m² in accordance with Zone E3 of The Institute of Lighting Engineers' Technical Report Number 5: Brightness of Illuminated Advertisements (2001). The proposed adverts are also not considered to pose any risk to public safety given their design, location and illumination levels.

Therefore, it is recommended that advertisement consent is granted subject to the below 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

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 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 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.

- 5 The intensity of illumination of the proposed signs shall not exceed 800 cd/m² in accordance with Zone E3 of The Institute of Lighting Engineers' Technical Report Number 5: Brightness of Illuminated Advertisements (2001).

Reason: In the interests of the visual amenities of the locality in accordance with policies GEN7, GEN33 of the Arun District Local Plan.

- 6 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 policy GEN7 of the Arun District Local Plan.

- 7 The advertisements hereby permitted shall not be displayed before the existing advertisements displayed on the premises have been removed or permanently obliterated to the satisfaction of the Local Planning Authority.

Reason: To avoid an excessive display of advertising material in the interests of the appearance of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 8 The advertisements hereby permitted shall only be illuminated between the hours of 06.30 and 22.00.

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Reason: In the interests of visual and residential amenity in the locality of the site in accordance with policy GEN7 of the Arun District Local Plan.