

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: A/25/21/A

LOCATION: Land South of Water Lane

Angmering

PROPOSAL: Erection of 5 No. non-illuminated Banner flags and 10 No. non-illuminated Totem signs.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed seeks consent for 5 No. non-illuminated Banner flags and 10 No. non-illuminated Totem signs.
BOUNDARY TREATMENT	The site is bordered by a mixture of fencing and foliage.
SITE CHARACTERISTICS	The site is an open field.
CHARACTER OF LOCALITY	The area is rural in character with the South Downs National Park to the north beyond the A27 and to the east side of the A280. There is existing residential development to the south and west of the site and further residential development to the south, off Roundstone Lane. This area is in close proximity to many heritage assets and Angmering Conservation Area.

RELEVANT SITE HISTORY

A/24/21/PL	Erection of a temporary sales cabin with 4 parking spaces and associated landscaping. CIL Zone 1 - This application is zero rated as temporary building.
A/179/20/RES	Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, 05-02-21 for a culverted embankment. ApproveConditionally

Noted.

REPRESENTATIONS

Angmering Parish Council - Objection.

- The proposal will have a harmful visual affect on the Angmering Conservation Area to which it adjoins.
- The use of flags and banners could distract drivers along a narrow lane.
- The siting of the flags will result in harmful noise pollution.

8 letters of objection from occupiers of nearby dwelling:

- The flags are not sited in a good location.
- The noise from the flags is a nuisance.
- The flags will cause distraction to drivers along Weavers Hill.
- The proposal will cut through an ancient wall.
- The site access is unsafe.
- The advertisement are out of character with the Conservation Area they abut.
- The banners will be a horrendous eyesore.

COMMENTS ON REPRESENTATIONS RECEIVED:

The display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Distinction should be made between this application and A/24/21/PL, in that this application relates exclusively to the advertisements.

CONSULTATION RESPONSES RECEIVED:

The Council's Conservation Officer - Objection.

- The location and size of the signs means that they will be seen within the context of the heritage assets within the area, and have a harmful impact upon their character.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Tree Preservation Order

Area of Special Control (Adverts)

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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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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Paragraph 67 of the National Planning Policy Framework (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."

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 effect on its surroundings of advertisements.

VISUAL AMENITY

The site is adjacent to the Angmering Conservation Area, and there are multiple designated heritage assets in the locality. The scale of the adverts and their number is not considered to be acceptable in such proximity to designated heritage assets. The adverts along the West boundary of the site are of a scale and siting of which appears visually dominant within the locality and the application is adversely affects the character of the area.

The banners and flags on the West site boundary, owing to their quantity, scale and design area considering to be damaging to the appearance of the area, and the designated heritage assets in the locality. The adverts conflict with Paragraph 132 of the NPPF and the Council's Supplementary Planning Guidance: Advertisements.

PUBLIC SAFETY

The adverts are not considered to pose a risk to public safety.

SUMMARY

It is recommended that permission is refused for the proposed advertisements for the reason 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 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

RECOMMENDATION

REFUSE

- 1 The banners and flags on the Western site boundary, owing to their quantity, scale and design area damaging to the appearance of the area and the designated heritage assets in the locality in conflict with Paragraph 132 of the NPPF and Arun District Council's Supplementary Planning Guidance.