

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BE/129/18/A

LOCATION: Bersted Park (Site 6)
Chichester Road
North Bersted

PROPOSAL: 2 No. non-illuminated front stack sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	2 No. non-illuminated stack signs measuring 3000mm wide and 1600mm high with posts taking the full height to 2800mm.
SITE CHARACTERISTICS	Entrance to Site 6 residential development, north of Chichester Road, either side of the entrance to The Boulevard.
CHARACTER OF LOCALITY	Suburban residential with a Sales Suite to the north of the site.

RELEVANT SITE HISTORY

BE/122/16/A	Various non-illuminated advertisements at various locations.	ApproveConditionally 21-12-16
BE/60/18/A	1No. non-illuminated V-Board sign & 2No. Flag pole signs	ApproveConditionally 28-06-18

This style of sign has previously been approved under application BE/122/16/A.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council
No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

POLICY CONTEXT

Designation applicable to site:
Built-up area boundary

Area of Special Control (Adverts)

DEVELOPMENT PLAN POLICES

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.

CONCLUSIONS

PRINCIPLE

Para. 132 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.

The adverts are to be positioned on a grass verge where other adverts (both stack signs and flag poles) have previously been in place since at least 2012 according to historic photos. The advertisements are not illuminated nor considered to be overly obtrusive. The adverts are of a reasonable design and do not have a detrimental impact in the visual amenity of the area.

PUBLIC SAFETY

In the evaluation of the proposed signs consideration has been given to its impact upon 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 location and scale of these signs is not considered to post a hazard to public safety.

CONCLUSION

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

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 The development hereby approved shall be carried out in accordance with the following approved plans:-

Site Location Plan - Sales Signage S812/SLP/SS
Specification Reade Signs

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and D DM4 of the Arun Local Plan.

- 2 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.

3 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.

4 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.

5 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.

6 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.

7 The advertisements hereby permitted shall be removed on or before the expiration of the period ending on 1st December 2021 or upon completion of the development permitted pursuant to the planning permissions to Berkeley Homes (Southern) Limited at Site 6 or whichever is the sooner.

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