

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BE/60/18/A

LOCATION: Bersted Park
Chichester Road
North Bersted
PO22 9AA

PROPOSAL: 1No. non-illuminated V-Board sign & 2No. Flag pole signs

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to 1 Non-illuminated V-board sign which would consist of 2 boards set in a V-formation atop aluminium composite legs. The 2x boards used in the V-board sign would each measure approximately 1.5 metres in width and 1.5 metres in height and would sit atop legs which would measure 1.5 metres in height from ground level.
	The 2 x proposed flags would each have a flagpole height of 6.0 metres
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Some planting/hedging to north.
SITE CHARACTERISTICS	Site Forms part of phase 2 of the Berkeley Homes Berstead Park Site which is currently in construction.
CHARACTER OF LOCALITY	Predominantly residential, with some fields to the north and east of the site.

RELEVANT SITE HISTORY

BE/122/10/	Erection of 373 dwellings, together with associated access, landscaping and engineering works, in substitution for details previously approved as reserved matters pursuant to outline planning permission BE/45/04 (representing an increase of 106 dwellings over that previously approved) - This application is accompanied by an Environmental Impact Assessment	App Cond with S106 28-09-11
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None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

Bersted Parish Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - WSCC Highways do not provide highways comments for signage/Advertisements as there is

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Pagham Harbour Access Management Zone B

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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POLICY COMMENTARY**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND****ADVERTS**

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

PRINCIPLE

Para. 67 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.

DESIGN & VISUAL AMENITY

The style of V-board signage and flags proposed are considered to be of a type regularly used to advertise houses for sale as part of housing developments.

From an assessment of the plans and the Officer's site visit, the design and location of the proposed adverts is not considered that to have an unacceptably adverse impact upon visual amenity nor will residential amenity of nearby properties be unacceptably affected.

PUBLIC SAFETY

In the evaluation of the sign 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.

It should be noted that Lethaby Road which the signage would be sited adjacent to is not an adopted road. The location and scale of the sign is not considered to pose a hazard to public safety and complies

with standing highways safety advice and conditions recommended by Highways England.

SUMMARY

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

FOR APPROVAL

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 adverts hereby approved shall be carried out in accordance with the following approved plans:

S783_SP_01, S783_SP_02, EH102965_002_01, Structural calculations - Bersted Park - Flagpole Foundation and C-Leatherby Street Option 1 and C-Leatherby Street Option 2

Reason: For the avoidance of doubt and in the interests of amenity and the environment.
- 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 advertisement hoarding(s) hereby permitted shall be removed on or before the expiration of the period ending on 09/05/2023.

Reason: In the interests of the visual amenities of the locality.