

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BR/254/18/A

LOCATION: Hothamton Gardens & Surrounding areas
Bognor Regis
BN17 5LF

PROPOSAL: 4 No. non-illuminated advertisements at various locations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the installation of 4 non-illuminated advertisements at various locations surrounding Hothamton Gardens in Bognor Regis. The 4 signs would be situated at different locations. Sign A will be located to the north west and Sign B to the north east of the site. Sign C will be located to the southern end of the gardens with Sign D to the east to of the gardens opposite the Health Centre.
SITE CHARACTERISTICS	The site is located close to Bognor Regis town centre. The site is also opposite the Steyne Conservation Area which is located to the south of the site.
CHARACTER OF LOCALITY	The area is in a town centre location and consists of both residential and commercial uses and open space.
None	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Parish Council provided no objection

2 letters of objection from 1 Councillor.

21 letters of objection from nearby occupiers.

- Boards are an unnecessary expense.
- Damaging to the amenity of the site.
- They are too large.
- They face a highway and are distracting and could cause accidents.
- The plans are not clear.
- Local community should have a chance to discuss their views on the application.
- Signs will detract from peoples enjoyment in the gardens.
- They could affect wildlife.
- The signs do not comply with legislation.
- Advertising boards do not constitute a proper consultation with the public for plans for the area.
- Legality of signs is questionable.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted with amenity and highway issues addressed in conclusion.

- The legislation mentioned relates to what can be achieved without an application, hence why the application was submitted.
- The application was advertised for the statutory time period of 21 days to allow for public consultation.
- The signs are not considered too large for their location.
- The plans are considered clear in that they show the size and proposed locations of the 4 signs.
- The expense of the signs is not a material consideration.
- It is not considered the signs would adversely impact wildlife in the area.
- In response to legality of the signs, the application was submitted and determined in accordance with legal requirements.

CONSULTATION RESPONSES RECEIVED:

Conservation Officer

COMMENTS ON CONSULTATION RESPONSES:

Conservation Officer

- A discussion was had with the Conservation Officer in which he stated there would be a neutral impact upon the Conservation Area. This was due to its siting opposite the Conservation Area, its neutral appearance and its temporary basis.

POLICY CONTEXT

Designation applicable to site:
Built up area boundary.

DEVELOPMENT PLAN POLICES

HERDM3 HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD5 Advertisements

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

PRINCIPLE

Paragraph 132 of the National Planning Policy Framework (NPPF) states -The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

DESIGN AND VISUAL AMENITY

Due to the location of the site near a town centre there are a number of adverts present within the vicinity. The exact content on the proposed advertisements has not been provided but would include information relating to the redevelopment of the site. Whilst this information would be beneficial, the adverts are determined based on their physical structure and not the content.

Sign A, B and C will be 2.5m in width and 1.2m in height. Sign D will be smaller at 1.2 width and 1.2m in height. The boards will be supported on metal posts and will be situated 1m from ground level.

They are therefore highly visible in the landscape however the proposed adverts are not considered to have an unacceptably adverse impact upon visual amenity nor will residential amenity of nearby properties be unacceptably affected.

Sign C will be located opposite The Steyne Conservation Area however due to its temporary nature it is again not considered to adversely impact the area and will therefore have a neutral impact upon the Conservation Area in accordance with HER DM3..

PUBLIC SAFETY

In terms of public safety, it has to be considered 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 proposed signs would be located in highly visible areas however they are not considered to be located where they would cause obstruction, block public rights of way or pose a threat to highway safety or the safety of the public.

SUMMARY

In the absence of adverse 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 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.

- 2 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.

- 3 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.

- 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 advertisement hereby permitted shall be removed on or before the expiration of the period ending on 31/12/2020.

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