

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: CM/5/14/A

LOCATION: Clymping Parish Church, Church Lane and
Junction of Horsemere Green Lane and
Wooldridge Walk, Climping

PROPOSAL: 2 No non illuminated free standing notice boards.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to retrospective consent for 2 metal notice board signs which are 105cm high and 180cm long by 2cm deep. One is located on the verge in front of bungalows fronting Wooldridge Walk and Horsemere Green Lane and the other is opposite the church entrance.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Both signs are located on verges. Sign on Wooldridge Walk frontage has a 2m high hedge behind. Clymping Parish Church sign is located behind timber posts approximately 0.4m in height.

SITE CHARACTERISTICS

Both signs are existing. Sign outside church is located behind church sign on open area which is grassed and gravelled. Both signs have green colour frame.

CHARACTER OF LOCALITY

Predominantly rural. Both sites are located adjacent to roadways.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

None

One letter of objection. People are gathering outside of property to read sign in Wooldridge Walk which has been placed on the verge owned by WSCC. They can see directly into

kitchen, dining room and bedroom which face the sign. The council have never mowed the verge, but neighbours have. Dog fouling is now occurring. Neighbours will no longer be cutting the grass. The signs have been erected without permission and in the wrong place and infringe on privacy.

Comments on Representations received:

Given the forward position of the sign and that it is close to the front elevation of the neighbouring property where privacy would be expected it is not considered that the provision of the sign in this location results in a material loss of privacy.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Area of Special Control for Advertisements

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX4 Supplementary Planning Guidance for
 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

Both signs are existing. Paragraph 77 of the 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."

It is not considered that the adverts will have an appreciable impact on the visual amenity of the streetscene given their set back position, thin profile and limited size. In addition, they are sited behind footpaths away from pedestrian access routes in positions that are low public safety risks.

The application is therefore recommended for approval subject to the following conditions

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 (the right to respect for 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 neutral 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).

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 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.

- 5 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.