

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: EG/11/15/A

LOCATION: Land at the corner of Nyton Road and Church Lane, Eastergate and Wall of the Co-Op, The Square, Barnham

PROPOSAL: 2No. non illuminated notice boards

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to consent for the display of 2 notice board signs which are 2.3m in width by 0.72m in height. One is located on land at the corner of Nyton Road and Church Lane, Eastergate and the other is located on the wall of the Co-op, The Square, Barnham.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The boundaries of the proposed sites for the signs are open.

SITE CHARACTERISTICS

One sign is located upon the pavement of the corner of Nyton Road and Church Lane with the other on the wall of the Co-op, The Square, Barnham.

CHARACTER OF LOCALITY

Church Lane & Nyton Road is predominantly residential in character with The Square being commercial in character with a number of retail units in close proximity. Both of the proposed signs are located adjacent to highways.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Eastergate Parish Council

Barnham Parish Council

Eastergate Parish Council:-

The council has considered its own application at its most recent meeting and confirms that the application is supported.

Barnham Parish Council:-

As Barnham Parish Council will be part funding and using the noticeboard at the Barnham Co-op site the Council is in full support of this application.

1 x Letter of Support:-

This application is to replace existing noticeboards which are shabby and old. The new boards will be more attractive, and will enhance the communication by the active parish councils with their parishioners, as well as improving the exposure of many local clubs & societies. All things considered, this can only be a highly desirable improvement and I fully support it.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Adopted Local Plan

Class B Road

No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

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

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.

AMENITY

The proposed notice boards replace two existing notice boards erected in the same location as the proposed notice boards. The proposal does not feature any illumination and their design is considered to be an improvement upon the dilapidated signs currently present in these locations. Therefore, the proposal is deemed to not adversely impact the visual amenity of the area.

PUBLIC SAFETY

In the evaluation of the proposed notice boards 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 notice boards is not considered to pose a hazard to public safety, especially when it is considered that they replace two existing notice boards and do not feature any means illumination.

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 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, a neutral impact has 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 The development hereby approved shall be carried out in accordance with the following approved plan: Lynester 95mm Notice Board - 4433-0001

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District 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 not be displayed before the existing notice boards displayed on the premises have been removed or permanently obliterated to the satisfaction of the Local Planning Authority.

Reason: To avoid an excessive display of advertising material in the interests of the appearance of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 8 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.