

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: EG/82/17/A

LOCATION: The Old Stables Vintage Inn Fontwell Park
Fontwell Avenue
Eastergate

PROPOSAL: Replacement of signs - 1 No. externally illuminated fascia sign, 2 No. non illuminated fascia signs, 3 No. externally illuminated hoarding signs & 1 No. externally illuminated hanging sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. Externally illuminated signs illuminated to 200cd/m. The signs will replace existing other than signs 4A, 4B (both non-illuminated) and 02 (externally illuminated with 4 downward facing cowl lights).

SITE AREA

0.72 hectares.

TOPOGRAPHY

Set down from the road by approx. 2m, then site is predominantly flat.

TREES

None of any significance affected by the proposed development. The signs with posts will not include new posts, so the ground will remain largely undisturbed.

BOUNDARY TREATMENT

1m picket fencing and trees.

SITE CHARACTERISTICS

Two storey detached cottages style public house with car parking and separate hotel unit to south of site. Landscaped pub garden to north of site. Buildings are set back from the road and dual carriage way to north. Various mature trees on and around site.

CHARACTER OF LOCALITY

Commercial area set off the A27 and A29, various commercial uses in area including Fontwell race course. Some residential and agricultural uses in wider area.

RELEVANT SITE HISTORY

EG/36/13/A

1no. externally illuminated post sign to Fontwell Avenue frontage.

ApproveConditionally
14-08-2013

Existing signage granted conditional consent in 2013.

REPRESENTATIONS

Representations received:

No response received.

No public representations received.

Comments on Representations received:

N/A.

CONSULTATIONS

Consultations responses received:

None made.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:
Area of special control (Adverts)
Outside of the built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

[Barnham & Eastergate Neighbourhood Plan 2014](#) Improving signage
[POLICY EE6](#)

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

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.

Advert applications are required to comply with the Council's adopted SPD "Adverts" and Barnham & Eastergate NDP policy EE6 which supports applications for improved signage to local businesses. This application is considered to improve the signage for the commercial use as it is clearer than the existing signs, yet still respects the surrounding area.

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

INTRODUCTION

As set out in the Development Plan Background section of this report the Council's consideration of this proposal is limited to amenity and public safety.

AMENITY

Paragraph 67 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."

Given the modest design of the proposed advertisements, low level of illumination and their location on and around an established commercial building in an area characterised by various signs; it is considered that the advertisements will not have an unacceptably adverse impact upon visual amenity nor will residential amenity of any nearby properties be unacceptably affected.

The 200cd/m external lighting is within the guideline standards contained within The Institute of Lighting Engineers' Technical Report Number 5: Brightness of Illuminated Advertisements (2001). This is considered appropriate for this area.

PUBLIC SAFETY

In terms of public safety, it is vital to consider whether the advertisements themselves or their locations are 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. Therefore, the proposed adverts are not considered to have an adverse impact on the safety of pedestrians or road users. The illuminance levels are low and no colours are being used which could appear similar to traffic lights or other road safety lights.

SUMMARY

In the absence of harm to amenity or public safety and compliance with the requirements of

adopted SPD: Advertisements and EE6 of the Barnham & Easterdate NDP, it is recommended that the application be approved, subject to the conditions set out below.

HUMAN RIGHTS ACT

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 advertisements hereby approved shall be installed and retained out in accordance with the following approved plans:

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Reason: For the avoidance of doubt and in the interests of the visual amenities and safety of the locality in accordance with Arun District Council SPG: Advertisements adopted September 2003.

- 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 intensity of illumination of the proposed signs to be illuminated shall not exceed 200 candelas per metre.

Reason: In the interests of the visual amenities and safety of the locality in accordance with Arun District Council SPG: Advertisements adopted September 2003.

- 8 The illumination of the proposed sign shall be of a non-intermittent type.

Reason: In the interests of the visual amenities and safety of the locality in accordance with Arun District Council SPG: Advertisements adopted September 2003.

- 9 The advertisements hereby permitted shall not be displayed before the existing advertisements displayed on the premises have been removed from the site or permanently obliterated.

Reason: To avoid an excessive display of advertising material in the interests of the appearance of the locality in accordance with Arun District Council SPG: Advertisements

adopted September 2003.