

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: FG/91/15/A

LOCATION: Yeomans Peugeot
Littlehampton Road
Ferring

PROPOSAL: 4 No. non illuminated under wheel aeroflags to the site frontage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks retrospective advertisement consent for the display of 4 aeroflag sign on the road frontage of the site adjoining the A259, Littlehampton Road. The signs are 5m high and under wheel anchored by cars on display. the signs are relatively narrow at 900mm. They are dark blue with white text, with additional relatively small lettering and logo relating to Yeomans at the foot.

The number of this type of sign at the site has been reduced from the 11 originally displayed without consent to the 4 presently proposed.

TOPOGRAPHY

Predominantly flat, although the site is raised above the a259 by approximately 0.5m at the front and side.

BOUNDARY TREATMENT

The site boundaries are formed by a low wooden post and single rail fence, behind which is limited landscape planting including some specimen trees, this planting is recent and yet to mature. At the rear of the planting margin are inverted 'U' shaped metal barrier elements, anodised finished. Otherwise, the frontage of the site has a generally open appearance.

SITE CHARACTERISTICS

This site has been redeveloped as a garage for car sales. It comprises a sales are/showroom to the rear east side of the site and a car display area which fronts onto the A259, Littlehampton Road (south) and Hangleton lane (east).

CHARACTER OF LOCALITY

The character of the A259 road corridor in this area is commercial with a supermarket opposite. To the rear (north) of the site are

dwelling in Hangleton Lane. To the west is a garden centre. To the south east is residential development separated from the site by the dual carriageway.

RELEVANT SITE HISTORY

FG/141/89/A	Internally illuminated freestanding sign	Refused 06-11-1989 <i>Appealed</i> Appeal: Dismissed 02 07 1990
FG/52/91/A	1 no. externally illuminated advertisement contained within a free standing timber structure with canopy over	Apprvd/Cond ADV 28-05-1991
FG/51/91	Addition of fascia and entrance canopy - application of timber framing to walls and formation of fire exit door in east elevation.	ApproveConditionally 28-05-1991
FG/51/92/A	Window awnings with white lettering on south elevation, 1 no. painted sign on boundary wall	Apprvd/Cond ADV 07-10-1992
FG/50/92/A	1no.externally illuminated timber wall mounted sign on west elevation. 1no.red neon sign in clear perspex box on south elevation.	Refused 07-10-1992
FG/112/93/A	1 no. non-illuminated fascia sign	Apprvd/Cond ADV 31-01-1994
FG/30/97/A	Internally illuminated fascia sign to south elevation only and a pole sign	Apprvd/Cond ADV 16-07-1997
FG/139/08/A	Advertisement consent for 3 no. internally illuminated fascia signs, 1 no. externally illuminated totem sign	Refused 17-11-2008
FG/164/08/A	Advertisement consent for 3 no. internally illuminated fascia signs of varying sizes (Resubmission following FG/139/08/A)	ApproveConditionally 21-01-2009
FG/76/12/A	3No. internal halo illuminated fascia signs to front (South) elevation. 2No. sets of internally illuminated halo corner lights and 1No. portique entrance surround. 1No. free standing externally illuminated totem sign to the front dealership forcourt (South) of the site.	ApproveConditionally 30-07-2012

It is evident that the site has a lengthy history of advertisement consents associated with previous commercial uses.

REPRESENTATIONS

Representations received:

Ferring Parish Council

Ferring Parish Council has objected on the following grounds:

Although the aero flag signs are already in situ, Ferring Parish Council would object to this application on the grounds that it is really necessary to have these hideous aero flag signs, that flap in the wind which causes noise for other people in the vicinity. At the site there are already large Peugeot signs, not to mention the vast numbers of Peugeot cars. Ferring Parish Council feels that it is already undoubtedly a Peugeot dealership and that the unsightly aero flags will have no role other than being a complete nuisance.

2 representations have been received on the following grounds:

1. Strongly object to this application, as it seems yet another eyesore at the foot of the South Downs, which should be a protected Beauty Spot not an Industrial Site advertising itself in this way.
2. The signs are an unsightly addition to the already obtrusive mass of secondhand cars on display. The signs are noisy on wind days due to flapping,
3. It is alleged a sign blew down recently, and therefore could have injured a pedestrian or been the cause of panic to a horse and rider. The display of cars is obtrusive enough at the foot of Highdown National Park without this addition.

Ferring Conservation Group has objected on the grounds as follows:

Objects to this retrospective application. We objected to the extension of the forecourt because we held to the view that the area north of Littlehampton Road should retain its semi-rural character, as intended in the Council's Angmering Gap policy. What was a pleasant area of grass, with Highdown Hill in the background was to be replaced by concrete and rows and rows of cars, degrading the environment. The development as now completed bears out our objection - it is an eyesore, a gross visual intrusion at the corner of the pleasant country road that is Hangleton Lane. Part of the intrusion, for which permission was neither granted nor sought, is the large advertising banners (the 'aeroflags'), the subject of the present retrospective application. We do not need to imagine the visual intrusion - we see it every day. The banners are of course designed to be intrusive - to grab the attention of passing drivers. We trust the Council will mitigate the harm that has been done by this development and refuse this application.

Comments on Representations received:

Noted and the issue of safety can be dealt with by condition(s). Also, see Conclusions.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area
Area of Special Control for Advertisements
Class A Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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

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.

There are no policies of relevance in in the Adopted Local Plan, the Emerging Local Plan or the Ferring Neighbourhood Development Plan.

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. These issues are considered below.

AMENITY

The South Downs National Park is approximately 700m to the north of the site frontage and there is intervening development between the site and the park. The character on the road frontage in the vicinity of the site is not rural, being developed and including a dual carriageway. Development density and character becomes more rural northwards.

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."

The proposed signs are associated with the existing permitted use at the site and are limited in visual impact in terms of number and the commercial context they are seen within.

There is considered to be no unacceptable detriment to visual amenity generally, given the context the signs will be seen within. It therefore follows that there is also no detriment to the setting on the National Park.

In terms of noise the signs are approximately 30m away from the nearest dwelling to the north and as such any noise impact would be extremely limited if noise arose from flapping. In addition and as the signs are located close to a busy Class A road which itself generates noise from use by HGVs and vehicles generally, it would be difficult to conclude that the signs would give rise to a noise impact such that there would be sufficient harm to amenity to justify refusal.

PUBLIC SAFETY

The signs have a limited visual impact and are not considered to be unduly intrusive or distracting to highway users. The proposed signs are of relatively limited visual impact when viewed in the context of their commercial location. The signs are not considered to result in distraction to highway users, given their context, type and number. (Numbers of signs have been reduced from the original 11 to 4, a reduction by 7).

The signs are secured by bases which are placed under car wheels and therefore relatively secure and are located between 4, and 6m away from the boundary of the site with the highway/footpath. It is most unlikely that given this separation and the nature of the sign, public safety issues would arise. The nature of the signs is such that they are relatively light in weight.

CONCLUSIONS

Whilst the concerns of the Parish Council and objectors are noted, the signs are not considered to give rise to any level of significant harm to amenity or to public safety such that a refusal of consent would be justified.

It is therefore recommended that advertisement consent be granted subject to the following conditions.

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

In assessing this proposal the following impacts (negative, Neutral or positive) 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 The development hereby approved shall be carried out in accordance with the following approved drawings:

Drawing Number 1541/11 - Proposed Site Plan, 4 Advertisement Locations - Dated July 2013.

Signage Schedule - Received with Application.

Illustration of Under Wheel Aeroflag Sign(s) - Received with Application.

Reason: For the avoidance of doubt and in the interests of visual amenity in accordance with the National planning Policy Framework and National planning Policy Guidance.

- 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.