

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: LU/190/21/A

LOCATION: Yeomans Vauxhall
52 Horsham Road
Littlehampton
BN17 6DN

PROPOSAL: Installation of a free standing sign

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks to construct a freestanding sign at 52 Horsham Road.
SITE CHARACTERISTICS	Car sales with forecourt.
CHARACTER OF LOCALITY	Mostly residential.

RELEVANT SITE HISTORY

LU/331/19/A	2 No. internally illuminated fascia signs, 3 No. non-illuminated fascia signs, 1 No. internally illuminated totem sign, 1 No. internally illuminated entrance sign & 3 No. non-illuminated pile mounted car parking signs.	ApproveConditionally 17-12-19
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Relevant history noted.

REPRESENTATIONS

No objection from Town Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Paragraph 136 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."

AMENITY

The sign will be free-standing and non-illuminated. It is an overly obtrusive size and design and would be harmful to the appearance of the street scene on Horsham Road and amenity of the area. Although the sign will be non-illuminated, the size and scale results in significant harmful and obtrusive impacts on the street scene resulting in harmful impacts.

PUBLIC SAFETY

In the evaluation of the sign consideration has been given to its 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 the sign is not considered to post a hazard to public safety. The sign will be located on the site of Yeomans Vauxhall and will not cause a risk to public safety, there will be no illumination on the sign resulting in a lower chance of distraction to vehicles on Horsham Road.

CONCLUSION

Due to the harm to amenity, it is recommended that the application be refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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**REFUSE**

- 1 The advert by reason of its scale and position would have an unacceptably obtrusive impact on the amenity of the area contrary to the NPPF paragraph 136.