

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: M/18/26/A

LOCATION: Former Poultry Farm Land
Yapton Road
Middleton-on-Sea
PO22 6DY

PROPOSAL: Installation of various signage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site includes a two-storey care home, currently under construction. The adverts proposed under this application would be erected both within the site and on surrounding roads.
CHARACTER OF LOCALITY	Residential to the south. Open agricultural fields to the North and west.

RELEVANT SITE HISTORY

M/80/19/PL	Demolition of the existing structures & redevelopment to provide a new 66-bedroom care home (Use Class C2) arranged over two storeys together with associated access, car and cycle parking, structural landscaping and amenity space provision	Refused 06-02-20
		Appeal: Allowed+Conditions 22-01-21

Relevant planning history noted.

REPRESENTATIONS

Middleton Parish Council - No objection.

Two objections have been received from nearby occupiers, raising concerns about the ditch that runs along the rear of their properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

This application concerns advertisements only; no landscaping or associated works are to be assessed by this application. The landscaping and drainage arrangement remain as approved (at appeal) by M/80/19/PL.

POLICY CONTEXT

Area of Special Control (adverts).
Built-Up Area Boundary.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Paragraph 141 of the National Planning Policy Framework (NPPF) states that 'advertisement should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. 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.

DESIGN AND VISUAL AMENITY

The proposal is for the installation of eleven advertisements, seven of which will be erected within the care home site, four of which would be erected on adjacent highways.

Signs 1, 2, 9 and 10 are the only adverts which would be viewable from the public highway.

Signs 9 and 10, as indicated on the Signage Overview Plan, would be sited on Yapton Road, to the east of the site. Sign 10 would be 3.13m in height and 1.4m in width. The sign itself, attached to two poles, would project 1.13m above the fence line. Sign 9 would be attached to a fence (details of this fence have not been finalised but are not assessed under this advertisement consent) and would be 0.6m by 0.46m. The signs would not protrude over the highway, ensuring they are not visually obtrusive.

Signs 1 and 2 would be set to the south of the site, with sign 1 set at the junction of Yapton Road and Silver Birch Drive and sign 2 set on the access to the site between 12 and 14 Silver Birch Drive. Sign 1 would be 1.2m x 1.2m, constructed from treated oak and suspended metal block panel, positioned to encourage pedestrian access to the site from the footpath to the north of dwellings along Silver Birch Drive, rather than Silver Birch Drive itself. Sign 2 would be erected at the entrance to the site, constructed from the same materials as sign 1, but smaller in size (1m x 1m).

Signs 9 and 10 are to be set parallel to Yapton Road, designed with a sensitive material palette so as to not dominate views for those using the highway. Signs 1 and 2 are small in scale, made from high quality materials and would not result in visual clutter.

Sign 3 would be the only illuminated sign, located close to the vehicle access to the south of the site. The sign would have a maximum height of approximately 0.6m and a width of approximately 1.4m, sited within a brick plinth of a height of approximately 1.5m. The sign would not exceed 300 cd/sqm which complies with the West Sussex County Council's illuminations guidance. Given the siting and scale of the sign, the sign would not result in harm to visual amenity.

The signs and advertisements inside the site vary in design and purpose, from delivery information set on grey posts, frosted windows, parking signs and information signs of similar design to signs 1 and 2. There is also a large brand sign (sign 7 on the overview plan) to be placed above the entrance. While sign 7 would be large in scale, it would be set well within the site, would be well screened from surrounding dwellings and would be typical of signs above similar developments.

Overall, the proposed signage would be proportionate in scale and design, and it would be appropriately sited. Therefore, the proposal would not result in harm to visual amenity, in accordance with the NPPF.

PUBLIC SAFETY AND AMENITY

Sign 3 is the only advertisement proposed that would be illuminated (by internal LED's). Set within the site and not exceeding 300 cd/sqm (compliant with West Sussex County Council's luminance guidance, which states adverts in Zone 3 should not exceed 600 cd/sqm for adverts less than 10sqm), the sign would not result in any visual disturbance to those using the road or occupiers of nearby dwellings; both the intensity and static nature of the advertisement would be secured by condition. Therefore, the proposed signage would not result in any harm to public safety or residential amenity, in accordance with the NPPF.

SUMMARY

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 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 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 development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan 6518/000
 Proposed Site Plan 6518-1904/CON/002 C
 Signage Overview Plan
 Sign Locations
 Signage Plans 1,2 and 4
 Signage Plan 3
 Signage Plans 6 and 7
 Signage Plans 8, 9 and 10
 Site Plan

Reason: As required by Regulation 14(1)(a) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

- 2 No advertisement shall be sited or displayed so as to-
1. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 2. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 3. 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 and Country Planning (Control of Advertisements) Regulations 2007.

- 3 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 and 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 and 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 and 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 and Country Planning (Control of Advertisements) Regulations 2007.

- 7 The intensity of illumination of the proposed 'Sign 3' shall not exceed 300 candelas/m².

Reason: In the interests of the visual amenities of the locality in accordance with the NPPF.

- 8 The illumination of the proposed 'Sign 3' shall be of a non-intermittent type.

Reason: In the interests of the visual amenities of the locality in accordance with the NPPF.