

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: Y/100/19/A

LOCATION: Land off Burndell Road
Yapton

PROPOSAL: 1 x totem board, 2 x medium totem board, 13 x fence panels, 2 x wall panels, 3 x small totem board, 1 x ACM cut out letters, 6 x flags.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks a number of advertisements. Following discussion with the agent the number of flags were reduced from 32 to 6. The style of flag was also amended in order to overcome concerns regarding noise.

SITE CHARACTERISTICS The site recently had permission for a residential development of No.108 houses.

CHARACTER OF LOCALITY The area is predominately residential

RELEVANT SITE HISTORY

Y/113/19/DOC	Approval of details reserved by condition imposed under ref Y/98/18/RES relating to Condition No 6 - electric vehicle charge points	
Y/73/19/A	1 No. non-illuminated entrance sign	ApproveConditionally 29-10-19
Y/98/18/RES	Approval of reserved matters (access, appearance, landscaping, layout and scale) following outline permission Y/19/16/OUT for 108 residential dwellings, with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation and ancillary works.	ApproveConditionally 17-09-19
Y/19/16/OUT	Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan	Called In by DCLG/SD 08-09-16

A totem board was approved in October 2019. This however has been replaced with that included within the application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

An objection

- Deeply concerned about the excessive use of signage for the site.
- The site is set back only the signage to the front if genuinely visible.
- Fail to see the true benefit of 13 fence panels and 32 flags.
- The flags will generate significant additional noise affecting the well being of residents.

10 objections received from nearby occupiers.

- Differences in the plans and they do not correlate.
- 32 flags are unnecessary
- Flags have a negative affect on noise levels and cause stress.
- There is already a sufficient advertisement.
- Much of the adverts are within the site so only visible by residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion. The plans were re-advertised following amendments to the advertisements requested.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD5	Advertisements
------	----------------

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

Paragraph 132 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.

VISUAL AMENITY

There are a number of adverts proposed on site consisting of fence panels, totem boards and flags.

The number of signs proposed is high, however it has a reasonably limited impact upon the character of the locality with the signs situated along the entrance of the development which leads away from the main road at (Burndell Road). Adverts are also proposed which are attached to the fence panels running south along the access road. Whilst again there is a relatively high number in situ, they do not protrude from the fence panel and are not considered unduly dominant.

Flags are also proposed. 3No. flags are allowed without permission and as a result, 6No. flags have been agreed which is reduced from the 32 which were originally proposed, and the design has also slightly altered from that previously requested. The flags will be static and this is considered to reduce

the potential for noise impacts upon amenity which were identified with the previous flags. The flags will sit to the entrance of the development, extending south. The siting and design of these are considered sufficient in such that they are not considered to give rise to adverse impacts upon amenity.

PUBLIC SAFETY

In terms of public safety, it has to be considered 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 proposed advert by virtue of its location and size are not considered to have an adverse impact of the safety of pedestrians or road users.

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

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 with flag position - 14.2.20
 - Flag Design - 14.2.20
 - Plan showing elevations
 - Email dated 4.12.19 confirming item L no longer forms part of the application.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun 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 be removed on or before the expiration of the period ending on 30/06/2021 or within 1 month of the date of which the last unit is sold, whichever is the sooner.

Reason: In the interests of the visual amenities of the locality in accordance with D DM1 of the Arun Local Plan.