

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: Y/142/21/A

LOCATION: Land East of Drove Lane
Yapton
BN18 0EB

PROPOSAL: Various advertisements in various locations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks consent for several non-illuminated advertisements in connection with a proposed temporary sales office: - 2 x banner flags measuring 0.6m by 2.2m on 4.8m high poles; - 2 x main totem sign (double sided) measuring 1.5m by 4m; - 1 x secondary sign (double sided) measuring 1m by 1.28m; - 4 x secondary sign (double sided) measuring 0.9m by 0.6m; - cabin fascia signs (to cover the front and two end elevations); - and - various internal signs & removable external signs. The main totem signs will be sited on the Main Road frontage with the others all around the sales cabin within the site. The sales cabin itself is subject to a separate planning application.
TOPOGRAPHY	It is stated that these will be in place for a period of two years. Predominantly flat but the land rises slightly up from Main Road.
TREES	None affected.
BOUNDARY TREATMENT	There is a tall hedge between the site of the sales cabin and the adjacent 'sheep field' which fronts Main Road.
SITE CHARACTERISTICS	The site is partly an existing verge area located on the corner of Drove Lane and Main Road/Yapton Road and partly former agricultural field set back from the road behind a hedge.
CHARACTER OF LOCALITY	Predominantly rural albeit that the site has permission for a development of 300 homes. The rectangular field along the Main Road frontage is known locally as the Sheep Field and is within the Yapton Main Road Conservation Area. There are also two existing Grade II listed residential properties on the opposite side of Main Road to the east.

RELEVANT SITE HISTORY

Y/141/21/PL	Temporary Sales Cabin & associated landscaping. This application may affect the setting of listed buildings, may affect the character & appearance of the Main Road/Church Road Conservation Area, affects a Public Right of Way & is in Strategic Site SD7 (Zero Rated) as other development.	
Y/49/21/RES	Approval of reserved matters following Y/92/17/OUT for 300 No. dwellings covering landscape, layout, scale & external appearance (resubmission following Y/78/20/RES). This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).	
Y/31/21/PL	Temporary sales cabin & associated landscaping. This application may affect the setting of listed buildings, may affect the character & appearance of the Main Road/Church Road Conservation Area & is in CIL Zone 3 (Zero Rated) as other development.	Refused 05-05-21
Y/32/21/A	Various non illuminated advertisements.	Refused 05-05-21

The site forms part of a wider extent of land that has outline and reserved matters planning permission for 300 homes (refs Y/92/17/OUT & Y/49/21/RES). A standalone application has also been passed for the proposed access improvement works to Drove Lane and the junction with Main Road (Y/127/20/PL).

Planning permission was previously refused for the sales cabin (Y/31/21/PL) and associated advertising (Y/32/21/A) due to visual harm from their siting on the road frontage. The previous refusal reason associated with Y/32/21/A was:

"The advertisements in terms of scale and number are considered to clutter this open & prominent site resulting in harm to visual amenity and to the nearby heritage assets. The proposal conflicts with paragraph 132 of the NPPF and Arun District Council's Supplementary Planning Guidance on Advertisements."

REPRESENTATIONS

Yapton Parish Council have objected. Their concern is the level of signage fronting Main Road and that this will clutter the frontage. The Parish strongly suggest the applicant simply has one totem and no more fronting the main road as per other house builders in Yapton. The Parish Council would also request that the height restriction for the totem is no higher than 1.5m.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed Totems are each 1.5m high. They represent a significant improvement on what was proposed in the frontage location previously (5 x banner flags at 4.8m high, 1 x main totem sign at 4m high & several smaller signs). The applicant has stated that due to the development being a 'dual-brand' site and incorporating both the David Wilson and Barratt brands, they are unable to combine both brands on one Totem. As such, this does not set any precedent for other housebuilders to have two Totems.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The Councils Conservation Officer has stated that the design of the signs & the temporary nature of the proposal is such that the adverts will have a neutral impact upon the setting of the heritage assets, and therefore not harm their significance. As a consequence, the application should be determined in accordance with the relevant policies within the Development Plan. No particular concerns are raised with respect to those signs that are within the area of the site behind the hedge.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Part within / part outside the Built Up Area Boundary;
 Lidsey Treatment Catchment Area;
 Adjacent to the Yapton Main Road Conservation Area;
 Within the Setting of a Grade II Listed Building (Elm Barn);
 Area of Special Control of Adverts;
 Flood Zone 1; and
 Part CIL Zones 1, 2 & 3.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
HERDM3	HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD5	Advertisements
SPD13	Arun District Design Guide (SPD) January 2021

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 other material considerations to be weighed in the balance with the Development Plan and these are discussed in the following section.

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."

As the NPPF makes clear, 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 effect on its surroundings of advertisements.

The Councils Design Guide does not contain any guidance on adverts and instead refers the user to the Councils Supplementary Planning Document (SPD) "Advertisements". Arun Local Plan policy HER DM3 (Conservation Areas) does not refer to adverts whilst the Conservation Areas SPD only refers to adverts on shop fronts.

VISUAL AMENITY:

The site is adjacent to the edge of the Main Road Conservation Area and in sight of two nearby Grade II

Listed Buildings. In addition, Drove Lane itself has previously been acknowledged as a non-designated heritage asset. The part of the site that fronts Main Road is presently open and prominently located within the streetscene with unhindered views of it in both directions along Main Road/Yapton Road.

The Adverts SPD states that adverts should not adversely affect the street scene and should avoid visual cluttering of different kinds of signs. In Conservation Areas, signage should be simple and unobtrusive. Furthermore, as this site lies in an Area of Special Control of Advertisements (ASCA), new adverts must also respect local character, avoid illumination and be visually sympathetic. The SPD also states that flag poles will not be permitted in such areas.

The application has been amended to remove all flag banners from the Main Road frontage and thus out of the Conservation Area. The proposal is still in conflict with the SPD due to the presence of 2 flag signs (at 4.8m high) within the site area and the only slightly smaller (4m) two main totem signs which are all within the ASCA. However, this proposal does represent an improvement on the refused scheme which also had the sales cabin, 5 banner flag poles and various other smaller adverts in the same location.

The applicant has stated that two Totem signs are required as the development is a 'dual-brand' site incorporating both the David Wilson and Barratt brands. This represents a specific justification for having two Totem signs and would not set a precedent for single developer sites in the local area. The concerns of the Parish Council are acknowledged but it is no longer considered that the proposal will visually clutter the important road frontage site and the impact on the Conservation Area is much reduced.

It is material that the signs will only be in place for 2 years and so will not result in any permanent harm. It is also noted that flag poles have been approved at the applicants other site in Water Lane, Angmering which is also within an ASCA and were adjacent to a Conservation Area.

Those adverts within the site are acceptable as they are screened from view of the road and Conservation Area behind an existing hedge. They will be visible to persons using Drove Lane or the footpath that crosses the site just behind the hedge but they will be read as part of a sales area and itself part of a large building site and therefore are not considered to be harmful.

Whilst the proposal does conflict with the SPD, there are material considerations to outweigh the conflict and overall the proposal is in accordance with the guidance at para 136 of the NPPF.

PUBLIC SAFETY:

The Adverts SPD states that the vital consideration is whether the advertisements or their 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. Signs should not distract road users or interfere with the interpretation of road signs or traffic lights.

The applicant has confirmed that the adverts on the road frontage have been placed outside of the visibility splay at the junction of Drove Lane & Main Road. The road speed limit in this location is 30mph so the signs are unlikely to prove dangerous due to distracting cars at speed. Furthermore, there are only a couple of existing road signs and given the speed of the road it is not considered that the new signs will interfere with the reading of these. This was also not raised as a refusal reason on the previous decision which had proposed a significantly greater number of adverts in this location.

Therefore, the adverts are not considered to pose a risk to public safety and there is no conflict with the SPD.

LIFESPAN:

The adverts are stated to be required from 01 November 2021 for a period of 2 years and so any impact will be temporary in nature. A condition will be imposed to reflect the 2 year period but make it clear that it is 2 years from the date the adverts are first sited.

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 Proposed Advertisement Specifications (Sales Cabin - 3 drawings (ref Q81096 v3, 24/05/21) and the Proposed Advertisement Specifications (Standalone Signs) - 7 drawings (ref Q81095 v9, 19/11/21).

Reason: For the avoidance of doubt and in the interests of amenity/environment and the character/appearance of the Conservation Area in accordance with policies D DM1 and HER DM3 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 two calendar years on or before the expiration of a period ending two years after the date that the first sign has been placed on the site. The applicant shall notify the Local Planning Authority in writing of the date that this happened.

Reason: In the interests of the visual amenities of the locality and the character/appearance of the Conservation Area in accordance with policies D DM1 and HER DM3 of the Arun Local Plan.