

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: Y/32/21/A

LOCATION: Land East of Drove Lane
Yapton
BN18 0EB

PROPOSAL: Various non illuminated advertisements.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks consent for several non-illuminated advertisements in connection with a proposed temporary sales office: - 5 x banner flags measuring 0.6m by 2.2m on 4.8m high poles; - 1 x main totem sign (double sided) measuring 1.5m by 4m; - 1 x secondary totem sign (double sided) measuring 0.9m by 1.2m; - 1 x secondary sign (double sided) measuring 1m by 1.28m; - 6 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. It is stated that these will be in place between 08/06/21 and 08/06/23.
TOPOGRAPHY	Predominantly flat but the land rises slightly up from Main Road.
TREES	Some trees in the hedge line at the rear of the site but unaffected by the proposal.
BOUNDARY TREATMENT	Hedging between the site and the adjacent land to the north west.
SITE CHARACTERISTICS	The site is part of an existing overgrown verge area located on the corner of Drove Lane and Main Road/Yapton Road.
CHARACTER OF LOCALITY	Predominantly rural albeit that the site to the south has outline permission for up to 300 homes. The rectangular field to the south east 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/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.	
Y/127/20/PL	Construction of new access to serve residential development. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road Conservation Area & the site falls within Strategic Site SD7 (Zero Rated).	ApproveConditionally 01-02-21
Y/78/20/RES	Approval of reserved matters following outline consent Y/92/17/OUT for 300 No.dwellings covering landscape, layout, public open space, drainage, scale & external appearance. 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).	Refused 07-12-20
Y/41/20/DOC	Approval of details reserved by condition imposed under ref Y/92/17/OUT relating to Condition No 6 - design code masterplan.	DOC Approved 29-07-20
Y/92/17/OUT	Outline application with all matters reserved save access, for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area.	App Cond with S106 31-05-19

The site forms part of a wider extent of land that has outline planning permission for up to 300 homes approved in May 2019 (Y/92/17/OUT). Reserved Matters approval has not yet been granted but a

standalone application for the proposed access improvement works to Drove Lane and the junction with Main Road has been granted (Y/127/20/PL). A separate application for the temporary sales cabin and parking spaces shown on the plans has been submitted (Y/31/21/PL).

REPRESENTATIONS

Yapton Parish Council object for the following reasons:

- it should be considered in conjunction with application Y/31/21/PL where the combined proposals will have a severe and detrimental impact on this area of Main Road;
- there should be a reduction in the number of fixed flags and signage within such a confined designated area of 'marketing area'; and
- the size and quantity of signage items will generate a cluttered and visually distracting aesthetic along this stretch of Main Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not possible to consider the adverts alongside the sales cabin proposal as they are subject to two different planning control regimes. The other concerns are considered in the conclusions.

CONSULTATION RESPONSES RECEIVED:

The Councils Conservation Officer made the following comments in respect of Y/31/21/PL which are relevant to this proposal:

"The application includes a number of signs of differing sizes and appearances utilising the logo and colours of the developer. Whilst such signs are normally associated with a development such as this, I am concerned with the size and number of some of them. For instance, the static banner flag stands at just under 5 metres high and will be in five locations, all clearly visible from the conservation area/listed buildings. Further, there will also be a main totem which would be approximately 4m high and 1.5m wide. These will be supplemented by a number of other smaller signs."

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

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

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

Paragraph 132 of the National Planning Policy Framework (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."

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".

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 being part of a former historic droving route and although it provides vehicular access & features a tarmac surface, it is still a non-designated heritage asset. Furthermore, the application site 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. Furthermore, as this site lies in an Area of Special Control of Advertisements, 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 proposal is clearly in conflict with the SPD due to the presence of 5 flag signs (at 4.8m high), the only slightly smaller (4m) main totem sign and then a large amount of smaller signs within this small site. This will result in visual cluttering of this open and prominent location and thus detract from the visual amenity/character of the surroundings. It is also considered that the adverts will result in harm to the way in which the nearby heritage assets are experienced.

The proposal therefore conflicts with the SPD and with the guidance at para 132 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 adverts 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. 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 08 June 2021 for a period of 2 years and so any impact will be temporary in nature. However this would seem to be premature as no reserved matters approval has yet been given for the development which the signs will advertise. A public inquiry type appeal has been submitted following the refusal of Y/78/20/RES and a resubmission application Y/49/21/RES does not expire until 19 July 2021. As such, it is considered likely that if approved, the consent may in the future be extended to ensure that they are in place for the duration of the build. Therefore, although the temporary nature of the signs is material, it is not considered to override the policy conflicts.

SUMMARY:

It is considered that the proposal is in conflict with the NPPF and the local guidance in respect of harm to

visual amenity. There are no material considerations and therefore, it is recommended that permission be refused for the reason 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), 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 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 in conflicts with paragraph 132 of the NPPF and Arun District Council's Supplementary Planning Guidance on Advertisements.
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.