

**Recommendation Report for Consent to Display an Advertisement(s)**

**REF NO:** Y/98/14/A

**LOCATION:** Fellows Gardens  
Yapton

**PROPOSAL:** Various externally illuminated & non-illuminated advertisements

**SITE AND SURROUNDINGS**

|                                 |                                                                                                                                                                                                                                                                                 |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION      | The application seeks permission for the erection of 4no. signs, two of which are to be illuminated, as well as the provision of 5no. flag poles and flags.                                                                                                                     |
| SITE AREA                       | 1.03 ha.                                                                                                                                                                                                                                                                        |
| RESIDENTIAL DEVELOPMENT DENSITY | n/a                                                                                                                                                                                                                                                                             |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                                                                                             |
| TREES                           | None affected by the proposed advertisements.                                                                                                                                                                                                                                   |
| BOUNDARY TREATMENT              | <p>The eastern, southern and western site boundaries are a mixture of mature hedgerows, trees and overgrown bushes.</p> <p>Along the northern boundary which abuts properties on Burndell Road, the boundary is marked by closed board fences of various heights and sizes.</p> |
| SITE CHARACTERISTICS            | The site forms a construction site associated with the construction of 34no. dwellings following approval of Y/23/14/RES.                                                                                                                                                       |
| CHARACTER OF LOCALITY           | <p>Land to the north and west is residential in character with a mixture of house types and designs.</p> <p>Open fields to the south and east.</p>                                                                                                                              |

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                                                                                  |                                    |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Y/23/14/RES | Approval of Reserved Matters: Appearance, Landscaping, Layout and Scale following Outline Planning Permission Y/30/13 for 34No. dwellings, including 10No. affordable with access and ancillary works. Departure | ApproveConditionally<br>26-06-2014 |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|

from the Development Plan.

## REPRESENTATIONS

### Representations received:

Yapton Parish Council

No objection;

- Will the location of sign S4 have any impact on existing adjacent home to the north.
- Will lighting be on a timer so that lighting switches off over night.

### Comments on Representations received:

Parish comments noted. Given the level of illumination proposed and the scale of the signs, they are not considered to harm the amenity of the neighbouring property. A condition of this approval restricts the hours of illumination to between 0800-1800 Monday to Saturday.

## CONSULTATIONS

### Consultations responses received:

None

### Comments on Consultation responses:

None

## POLICY CONTEXT

Designation applicable to site:  
Outside Built Up Area Boundary  
Setting of a listed building

### DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)  
[GEN33](#)

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development  
Light Pollution  
D DM1 Aspects of Form and Design  
Quality  
D SP1 Design  
QE DM2 Light Pollution

### PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

## POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from

the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

#### The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

#### **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

Para. 67 of the National Planning Policy Framework (NPPF) states that 'advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. Para. 3.1 of the Councils adopted Supplementary Planning Guidance for adverts confirms that '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 of an advertisement.

In terms of 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 proposed advertising is located within the development site, it is set back from Burndell Road and will only be readily visible following entry into Fellows Gardens. The siting coupled with the scale of the adverts will ensure that they do not affect public safety. A condition of the approval will require the applicant to ensure that the adverts are erected and maintained in good order to ensure they do not become a danger to those people visiting the site.

As for the visual impact, this is also considered to be acceptable. The proposals do not result in excessive signage within the locality and they are all located within the development site. Only two of the signs will be illuminated, these are the two at the entrance to the site. The entrance is via Fellows Gardens, which has existing street lighting in place. This together with the low level of illumination proposed will ensure that residential amenity of nearby properties would not be unduly harmed. Whilst the lighting is deemed to be of a low level and limited to only two of the signs, it is considered prudent to attach a condition to this approval to restrict the illumination of the signs to 0800-1800 Monday - Saturday given that the site is located adjacent to a residential area.

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 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 a neutral impact has 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.

As a neutral impact is identified, no mitigation is required.

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

- 1 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.

- 2 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.

- 3 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.

- 4 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.

- 5 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.

- 6 The intensity of illumination of the proposed sign shall not exceed 30 candelas.

Reason: In the interests of the visual and residential amenities of the locality in

accordance with policies GEN7, GEN33 of the Arun District Local Plan.

- 7 The 2No. illuminated adverts hereby approved shall only be illuminated between the hours of 0800-1800 Monday to Saturday.

Reason: In the interests of the visual and residential amenities of the locality in accordance with policies GEN7, GEN33 of the Arun District Local Plan.

- 8 The signs, means of illumination and associated structures hereby approved shall be permanently removed from the site on or before the last sale of the market dwellings on the site.

Reason: In the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.