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TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGULATIONS 1992

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2022/0534**) which was valid on the 13 July 2022 for permission for **Display a 2.4m x 0.9m banner to south side of outside decking area at 49 Main Road Leabrooks Alfreton**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) - **NOTICE IS HEREBY GIVEN** that express consent is **REFUSED for the following reason(s)**

Reasons

1. Approval of the banner advertisement would result in detriment to the visual amenity of the locality by introducing unnecessary and inappropriate clutter of poor design in the street scene, contrary to paragraph 136 of the National Planning Policy Framework which seeks to ensure that advertisements are not poorly sited and designed, policy EN22 of the Adopted Amber Valley Borough Local Plan 2006, which requires that proposals are sympathetically designed in relation to the site and its setting and where they are to be incorporated into an existing sign, and Supplementary Planning Document - Shop Fronts and Advertisements, which states that where additional signs are necessary on shop front, they should be only in the form of a single projecting sign at facia level, the use of additional signs on the front wall or any side wall other than the facia or a single projecting sign is likely to be unacceptable.

Notes
Attention is drawn to the attached notes:

Date : 13 January 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

1. The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal. This includes the request for amended plans/additional information and allowing a delay in the determination of the application to give the applicant the opportunity to address the concerns, however, the issues have failed to be resolved.

Date : 13 January 2023

Signed



Julian Townsend
Executive Director (Operations)

NOTES

THE STANDARD CONDITIONS

PART 1: Conditions attached to all consents save as otherwise provided in the regulations:

1. All advertisements displayed and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purposes of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
3. Where any advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

PART 2: Conditions attached to consent deemed to be granted, or granted under Regulation 13.

4. An advertisement for which consent is deemed to be granted or is granted under Regulation 13 of the foregoing regulations shall not be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or airfields.

PROCEDURES FOR APPEAL (REGULATION 15)

22.(1) Provided that the Secretary of State shall not be required to entertain an appeal under this regulation if it appears to him having regard to the provisions of these regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the Local Planning Authority, or could not have been granted otherwise than subject to the conditions imposed by them.

(2) Any person who desires to appeal under this regulation shall give notice of appeal in writing to the Secretary of State within one month from the receipt of notification of the Local Planning Authority's decision or such longer period as the Secretary of State may allow and shall within one month from giving notice of appeal or such longer period as the Secretary of State may allow, send to the Secretary of State a copy of each of the following documents.
   (1) the application made to the Local Planning Authority
   (2) all relevant plans and particulars submitted to them
   (3) the notice of the decision, if any
   (4) all other relevant correspondence with the Authority

(3) The Secretary of State may, if he thinks fit, require the applicant or the Local Planning Authority to submit within a specified period a further settlement in writing in respect of any of the matters to which the appeal relates, and if, after considering the grounds of the appeal and any such further states, the Secretary of State is satisfied that he is sufficiently informed for the purposes of reaching a decision as to the matters to which the appeal relates, he may decide the appeal without further investigation; but otherwise the Secretary of State shall, if either party so desire, afford to each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(4) Where an appeal is brought under this regulation from a decision of the Local Planning Authority the Secretary of State may allow or dismiss the appeal or may reverse or vary any part of the decision of the Local Planning Authority whether or not the appeal relates to that part and deal with the application as if it had been made to him in the first instance.

(5) Where the Local Planning Authority fail to notify the applicant as required by regulation 14 within two months from receipt of the application, or within such extended period as is agreed between them, the provisions of paragraphs (1) and (2) above shall apply in relation to the application as if consent had been refused by the Local Planning Authority and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid as the case may be.

(6) Subject as hereafter provided, where the Local Planning Authority serve a discontinuance notice or any person under Regulation 16, the provisions of paragraphs (1) and (2) above shall apply as if that person had made an application for consent for the display or the use of land for display of advertisements to which the notice relates and the Local Planning Authority had refused consent for the reasons stated in the notice, and as if the notice constituted notification of the Authority's decision as required by Regulation 14. Provided that paragraph (2) above shall apply subject to the provisions of Regulation 16 (5) and as if the following sub paragraphs were substituted for sub paragraphs (I) to (IV) thereof:-
   (I) the discontinuance notice
   (II) any notice of variation thereof
   (III) any relevant correspondence with the Authority

(7) On the determination of an appeal under this regulation made by virtue of paragraph (6) above, the Secretary of State shall give such directions as may be necessary for giving effect to his determination, including where appropriate, directions for quashing the discontinuance notice in favour of the appellant.

(8) The decision of the Secretary of State on an appeal under this regulation shall be final and shall otherwise have effect as if it were a decision of the Local Planning Authority.

NOTE: If it is intended to give notice of appeal in accordance with Regulation 15 above this should be done on the appropriate form obtainable from: The Planning Inspectorate 3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk