

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 6 February 2014

Decision Type: Non-Urgent Non-Executive Non-Key

Title: FENCING SCREENS AT RAVENSBOURNE SCHOOL

Contact Officer: Tim Horsman, Deputy Development Control Manager (East)
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Chief Officer: Chief Planner

Ward: Bromley Town;

1. Reason for report

Two blue tarpaulin screens with the words 'The Ravensbourne School' have been attached to an existing 3.1m high mesh fencing around a sports pitch at the school site. This report considers whether these screens constitute an advertisement under the Advertisement Regulations 2007 (as amended) and whether they benefit from or require consent under the same regulations.

2. **RECOMMENDATION(S)**

1. **No further action, subject to the reversal of the advertisement on the south-eastern side of the pitch to face inwards towards the pitch.**
2. **The school be advised that after 28 days from the date of this decision, if either of the advertisements are facing outwards, they would be considered to constitute advertisements for which express consent would be required and in the absence of an application for advertisement consent, proceedings under the advertisement regulations will be authorised under delegated powers.**

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
-

Staff

1. Number of staff (current and additional): 1
 2. If from existing staff resources, number of staff hours: None
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Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): None
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

Complaints have been received from local residents regarding 2 screens affixed by means of cable ties to the outside [on 2 sides] of an existing wire mesh fence at the Ravensbourne School. The fence surrounds a hard surfaced sports pitch measuring approx. 24m x 39m within the school grounds. The fence extends up to approximately 3.1m in height.

The screens are blue in colour and made from a tarpaulin type material and have been introduced by the school in order to provide privacy for pupils engaged in sport, to help them focus on the activity, and also to act as a windbreak. The screens are attached to existing fencing on the northwest and south-eastern sides of the pitch. At the time of report writing, the north-western screen faces inwards towards the pitch, and the south-eastern is facing outwards.

The site is located towards the eastern end of Hayes Lane within the grounds of Ravensbourne School. The hard surfaced sports pitch is located behind existing buildings and oblique views of the fencing and screens are possible from Hayes Lane. Currently the advertisement on this side is facing outwards and lettering (although not the full wording) can be viewed from a limited part of the public highway in Hayes Lane.

Some glimpses of the screens can be achieved from the public footpath running along the north-western boundary of the site, however where views might be possible, this boundary is predominantly solid and approximately 1.8m high (with the exception of a small lower section and metal gate). As the advertisement facing this direction is reversed and some distance away, it is almost impossible to make out the words where views are available.

Views are also possible from residential properties with gardens backing onto the site including those in Cromwell Close and Cromwell Avenue, although these are a minimum of around 150m away with playing fields in between.

Photographs of the screens from all relevant locations are available on file.

A certificate of lawfulness application is being separately considered in respect of whether the screens constitute development requiring planning permission. This report addresses whether the screens constitute an advertisement and if so whether any consent is required for their continued display.

The legal definition of an advertisement is to be found in sec 336(1) of the Town and Country Planning Act 1990, as amended by section 24 of the Planning and Compensation Act 1991, and is defined as “any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or designed or adapted for use, and anything else principally used, or designed or adapted principally for use, for the display of advertisements”.

It is clear therefore that the blue screens, incorporating wording stating the name of the school do constitute an advertisement.

Schedule 1 of the Advertisement Regulations 2007 sets out classes of advertisement which do not require any deemed consent (granted by the Regulations) or express consent (granted by a Local Planning Authority) in order to be displayed. Class A of this schedule is ‘An advertisement displayed on enclosed land’. A condition of this class is that “The advertisement is not readily visible from outside the enclosed land or from any place to which the public have a right of access.”

There is no statutory definition of ‘enclosed land’ or ‘readily visible’ in this context, although examples provided of ‘enclosed land’ include a railway station, bus station and sports stadium.

The advertisements are considered to be displayed on enclosed land since the school site is private land with boundary treatment to all sides. It is therefore necessary to consider not simply whether the advertisements are visible from outside of the school site, but whether they are *readily* visible.

With regard to the screen on the south-eastern side of the pitch, views are possible from Hayes Lane. At present although the wording is facing outwards towards the road, it is not possible to see the full wording of the advertisement due to the limited scope of the views obtainable. However, in its current position it is considered that advertisement consent is required for this screen. Should the screen be reversed to face into the sports pitch, this advertisement may be considered to be not readily visible from outside the enclosed land. A period of 28 days is suggested for either the screen to be reversed, or for an application under the Advertisement Regulations to be submitted. Should no action be taken by the school, it is considered to be an advertisement for which consent is required and action may be taken to secure its removal.

With regard to the screen on the north-western side of the pitch, this has been turned to face towards the pitch and is some distance from public vantage points (primarily a public footpath bounding the school). The footpath benefits from substantial boundary treatment comprising 1.8m close boarded fence for the northern section, and a retaining wall of similar height with mesh fencing on top further towards the school buildings. Although some glimpses are available to users of the footpath, in general specific effort is required to obtain a clear view of the screen. Limited views are available from residential properties to the northwest, predominantly only from upper floors. However, these are also a considerable distance away and views are filtered by existing vegetation. Added to the fact that the screen is reversed, despite it having some transparency, this means that the advertisement is not readily visible from outside the site.

Taking into account the above, and subject to the south-eastern screen being reversed, Members are advised that as a matter of judgement, the advertisements are not considered to be readily visible from outside the enclosed land or from any public vantage point. On this basis they do not require any consent under the Advertisement Regulations and the Council is unable to take any further action. Should the south-eastern screen not be reversed, this constitutes an advertisement for which consent would be required and action can be taken to secure its removal.

4. POLICY IMPLICATIONS

None

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Advertisement Regulations 2007