

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: AL/43/26/A

LOCATION: Nyton Road
Westergate
Chichester
PO20 3UN

PROPOSAL: Erection of 1 No. internally illuminated double sided digital advert.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site contains a petrol station with a retail unit, car wash, cash machine and collection lockers.
CHARACTER OF LOCALITY	The area is within Westergate village, characterised by a semi-rural context.

RELEVANT SITE HISTORY

AL/100/23/PL	Demolition of car wash and plant room, the creation of charging zone, erection of EV chargers, erection of canopy, two jet wash bays, sub-station enclosure and associated forecourt works. (This application may affect the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development).	ApproveConditionally 11-12-23
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Relevant planning history noted.

REPRESENTATIONS

Aldingbourne Parish Council - No objection

2 No. letters of objection received from nearby occupiers:

- Out of character.
- Inappropriate for village setting.
- Distracting for road users.
- Close proximity to school.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection.

WSCC HIGHWAYS - No comment, follow standing advice.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Prone to Groundwater Flooding.

Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

DESIGN AND VISUAL AMENITY

Paragraph 141 of the NPPF (2024) states that '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.'

It is noted that this application is accompanied by a cover letter in support of the proposal. The submitted cover letter contains some inaccuracies with regards to the proposal, describing the signage to be within a commercial site off Warwick Road, and it is noted that the photographs supplied are not representative of the current street scene or wider context. The application site is surrounded by predominately residential development with a vet and restaurant located to the west and a school, Ormiston Six Villages Academy, to the south. Both of the commercial premises and the school have very limited signage.

The proposed internally illuminated digital advert would be double-sided and sited within the grounds of the existing petrol station, adjacent to the southern boundary fronting Nyton Road. The advert itself would be perpendicular to Nyton Road and would replace an existing totem-style poster board. The advertisements screens would measure 1.6m high and 0.9m wide and would not exceed 5000 cd/msq during daytime hours and 300 cd/msq dusk to dawn. West Sussex County Council have requested that during hours of darkness the digital displays do not exceed 300 cd/msq, as per the guidance outlined in the "Institute of Lighting Engineers' Professional Lighting Guide 05/23 - The Brightness of Illuminated Advertisements including Digital Displays (2023)." In the event that advertisement consent was granted, a condition would be attached to the consent to require the illumination levels of the sign to remain in accordance with the prescribed levels. The proposal is in accordance with West Sussex County Council's standing guidance for illuminance levels.

Notwithstanding the above, the location of the proposal would not be suitable, as the display panels for advertising would appear prominent and visually intrusive within the street scene, detracting from the existing character of the area. It is noted that advertisements are not uncommon within the immediate context of the petrol station, alongside the car wash, delivery lockers, and shop contained within the site. However, there are no illuminated display signs present along the length of Nyton Road; with the limited commercial premises within the wider area displaying limited signage, reflective of the character of the area. Therefore, the addition of the illuminated display with changing images would appear at odds with the wider character and appearance of the street scene.

For the reasons outlined above, the proposed advertisement would appear prominent and visually intrusive within the street scene. The proposal would result in demonstrable harm to the character and appearance of the street scene and is therefore contrary to Paragraph 141 of the NPPF.

SAFETY

In terms of public safety, it must be considered whether the advert screens themselves, or their location, are likely to be so distracting or confusing that they create a hazard or endanger people in the vicinity who are taking reasonable care for their own, or others', safety. Due to its position and design, the advert is unlikely to cause public safety issues, such as distracting drivers or restricting visibility. By virtue of their location and size, the adverts would not have an adverse impact on the safety of pedestrians or road users.

SUMMARY

The proposed internally illuminated digital advert, by reason of its siting in the street and illumination,

would appear prominent, visually intrusive and at odds with the wider street scene. The proposal would result in demonstrable harm to the character of the locality and the visual amenity of the street scene and wider area. The proposed development is therefore contrary to Paragraph 141 of the NPPF.

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

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 proposed internally illuminated digital advert, by reason of its siting in the street and illumination, would appear prominent, visually intrusive and at odds with the wider street scene. The proposal would result in demonstrable harm to the character of the locality and visual amenity of the street scene and wider area. The proposed development is therefore contrary to Paragraph 141 of the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.