

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BE/46/25/A

LOCATION: Unit 1 Saltbox Road  
Bersted  
PO22 9FP

PROPOSAL: Erection of 4.6m high, 3.6m wide external LED screen in the north-east corner of the site.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION As above.

SITE CHARACTERISTICS Commercial.

CHARACTER OF LOCALITY Mixed - use consisting of commercial establishments.

To the north-east of the site is the Shripney Road Bypass Roundabout. To the south is Rowan Park a caravan/camping site.

Relevant planning history noted.

**REPRESENTATIONS**

Bersted Parish Council - objection, the signage is close to Bersted Brooks Nature Reserve whose wildlife would suffer from the environmental impact of light pollution from this sign. Should the application be approved the Parish would like a condition added that the sign is not illuminated outside of normal trading hours.

3 no. representations received.

- Out of keeping to semi-rural setting.
- May be distracting for motorists as adjacent to busy roundabout. Far too large.
- Insensitive to nearby nature reserve.
- In this location the sign would cause a distraction to drivers approaching the roundabout.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and will be addressed in the conclusions section of the report. Additionally, the nature reserve is not at close proximity to the proposed sign, the impact on amenity will be minimal.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

**WEST SUSSEX COUNTY COUNCIL (LHA)**

Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the

NPPF (paragraph 116), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the below conditions should be applied.

Environmental Health - holding objection, have reviewed the above application and while no objections in principle the information provided is not satisfactory to be able to assess the impact form the illuminated sign. In order to alleviate our concerns, we need to see evidence that the sign complies with the Institution of Lighting Professionals guidance PLG05 The Brightness of Illuminated Advertisement.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted, the agent submitted additional information clarifying that the maximum brightness of the screen, when fully white, is 4500 cd/m<sup>2</sup>, as outlined in the technical specifications. This remains below the specified daytime maximum of 5000 cd/m<sup>2</sup>, with the actual operational level maintained at 66% of this limit. At night-time, the brightness is reduced to 10% of the maximum, ensuring it remains within the recommended guidelines. The agent has submitted a declaration of intent ensuring that levels of illuminance will be maintained as set in the WSCC guidance, the illuminance levels are detailed below which will be conditioned to reflect the contents of the application form.

#### **POLICY CONTEXT**

Designation applicable to site:

- Within an area with potentially high groundwater levels.
- Within Built-Up Area Boundary.
- Area of Special Control (Adverts).
- Strategic Employment Land Allocations.
- Local Development Orders.
- Archaeological Notification 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**

### **PRINCIPLE**

Paragraph 141 of the NPPF states that 'advertisement should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'. 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.

### **DESIGN AND VISUAL AMENITY**

The advertisement is located at the north-eastern edge of the site along Shripney road close to the roundabout. The proposal seeks permission for an advertisement to a unit which will serve as a car showroom. The sign will have a height of 4.6m and a width of 3.6m, with lettering in assorted colours. The sign advertises car names/logos and types.

The application form states that the LED screen would have a maximum level of illumination of 150cd/m<sup>2</sup> during hours of darkness and the luminance level of the display would be controlled to track the light level changes in the environment during daylight hours to ensure that the perceived brightness of the display is maintained at no more than 300cd/m<sup>2</sup> above ambient level. The form states that the proposed advertisement sign will not contain moving images and any changes between advertisement images will be instantaneous. The rate of change of images will be no more frequent than every 10 seconds. The sign falls within the recommended levels from WSCC standing advice regarding illuminated adverts.

Given the extent of advertisements already present in the immediate vicinity, the design and location of the proposed is not considered that to have an unacceptably adverse impact upon visual amenity nor will residential amenity of nearby properties be unacceptably affected.

This design is acceptable in visual amenity terms and does not compromise the wider character of the area. It is noted that there are a variety of advertisements within the vicinity as such, the advertisement would not appear out of character so as to result in demonstrable harm to the wider character of the area. The display of the adverts will only be for a period of 5 years until May 2030.

### **PUBLIC SAFETY**

In the evaluation of the advertisements, consideration has been given to its impact upon public safety, it is vital to consider whether the advertisements, or location are 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 location and scale of the advertisement is not considered to post a hazard to public safety.

WSCC have no objection and given that the proposed sign will not be within the public highway and does

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not obstruct the visibility splays for vehicles entering or exiting the roundabout, the advertisement is not considered to pose a hazard to public safety.

## SUMMARY

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 (right to respect private and family life) 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 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**

#### **APPROVE CONDITIONALLY**

- 1      The development hereby approved shall be carried out in accordance with the following approved plans:
  - Proposed LED sign plan and elevation 4005 G1.
  - Location plan 1001.
  - Technical details.
  - DS-D4239CD-1AAB P3.9 Outdoor LED Display unit Data Sheet (received 27-05-25).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.

- 2      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.

No advertisement shall be sited or displayed so as to-

- (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (iii) 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 No advertisement shall be sited or displayed so as to-

- 1. Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- 2. Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- 3. 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.

4 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.

5 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.

6 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.

7 The panels displaying the advertisements shall not change more than every 10 seconds, shall not contain moving images (transition between images to be less than 0.1 seconds) animation, intermittent or full motion video or images that resemble road signs or traffic signals.

Reason: In the interests of road safety and in accordance with the NPPF.

8 The intensity of the illumination of the signs shall not exceed 300cd/sqm above ambient level during daylight hours with a maximum level of 150 cd/sqm during the hours of darkness.

Reason: In the interests of road safety and in accordance with the NPPF.

9 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set

out within the National Planning Policy Framework.