

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: BR/16/25/A

LOCATION: Land Opposite 54 High Street
Bognor Regis
PO21 1SP

PROPOSAL: Installation of 1 No. illuminated advertising display within communications kiosk with integrated defibrillator.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Paved public highway with street furniture and mixed-use developments on either side.
CHARACTER OF LOCALITY	Mixed - use.

No relevant planning history.

REPRESENTATIONS

Bognor Regis Town Council - No objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

National Flood Zone 2 and 3.
Within Town Centre Retail Boundary.
Within Built-Up Area Boundary.
Within an area with potentially high groundwater levels.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

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 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.'

On the reverse (rear) side of the proposed kiosk, a 1635mm tall x 925mm wide digital display for advertising purposes (including Council public information, public health information, and emergency incident messaging) is proposed. The display is a Liquid Crystal Display (LCD), recessed behind 9mm toughened laminated safety glass. The display would portray static advertising images that change every 10 seconds. The display would have an inbuilt sensor control system which adjusts display luminance to ambient light levels. The maximum luminance levels (full white) in darkness would be 300 cd/m² and in daylight would be 3500 cd/m². The illuminance levels are in line with the West Sussex County Council's standing advice for the assessment of illuminated adverts and the display is acceptable in terms of illuminance.

The kiosk with the integrated display is proposed in a retail area with advertising/hoardings on either

sides of the High Street. The location of the proposal would not be suitable as the display panel for advertising would appear prominent within the street scene, detracting from the existing shopfronts and it would result in harm to the character of the area. It is noted that the High Street is a retail area in which advertisements are not uncommon. However, there are no illuminated display signs present centrally along the length of High Street, therefore the addition of the illuminated display would appear at odds with the wider character and appearance of the street scene.

For the reasons outlined above, the proposed development would detract from the existing shop fronts and would appear prominent 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 has to be considered whether the display screen 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. Due to their position and design the display is unlikely to cause public safety issues e.g., by distracting drivers or restricting visibility. The adverts by virtue of their location and size do not have an adverse impact of the safety of pedestrians or road users.

SUMMARY

The illuminated display screen on the proposed kiosk would be overbearing in the proposed location, drawing attention towards it and 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.

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

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 illuminated advertising display, by reason of its siting in the centre of the street would appear prominent, detracting from the existing shop fronts and it would appear 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.