



Neil Crowther
Group Head of Planning
Arun District Council
Civic Centre
Maltravers Road
Littlehampton BN17 5LF

Our Ref
Your Ref
Date

5 May 2019

Dear Mr Crowther,

**RETROSPECTIVE APPLICATION FOR DISPLAY OF ADVERTISEMENTS
THE BREWHOUSE (Former Crossbush Farm Shop) LYMINSTER ROAD, LYMINSTER
APPLICATION REF LY/8/19/A**

I am writing, on behalf of my client Mrs R Andrew of Brookfield, Lyminster Road, in connection with this application for express consent under the Advertisement Regulations. My client objects to the retention of the signs currently displayed at the property on the grounds that these have a substantial adverse effect on amenity and significantly compromise public safety in the locality. As you will know, the display of these signs at the property without consent having first been obtained under the Advertisement Regulations, constitutes a criminal offence.

I expand on these aspects of concern in the paragraphs below. However, I first draw your attention to a separate breach of planning control at the property. The offence committed under the Advertisement Regulations, and the breach of planning control, together demonstrate a cavalier disregard by the operators of the Brewhouse pub of the comprehensive code of legislation designed to operate in the public interest.

The alterations to the external elevations of the building that the application of the large scale advertisement signs have caused also constitutes a breach of planning control. Condition 2 attached to the planning permission granted by your Council on 11 May 2018 [reference LY/28/17/PL] provides that the development permitted is to be undertaken in accordance with the approved plan. The approved plan showed no lettering on the elevations. Notwithstanding this condition, the north and west facing facades of the building now display large scale and prominent lettering at variance with the approved details. This is a clear breach of condition 2 of the planning permission, the stated reason for which was the protection local amenity and the environment and to ensure no conflict with policy GEN 7 of the Arun District Local Plan.

As you will know, I made representations in opposition to the application for planning permission which proposed a change of use of the former Farm Shop, on behalf of my client Mrs Andrew. Notwithstanding these representations your Council granted planning permission for the change of use. In your report recommending that planning permission should be granted, considerable stress was placed on there being no adverse visual effect arising from the development. In particular, the report contained a number of statements in this regard. The report commented that:

- [the development] *"... will not give rise to visual harm to the rural character of the countryside or the appearance of the Strategic Gap;*
- [there] *"... are no proposed alterations to the building which would increase its visual prominence";* and
- *"There would be no change to the external appearance of the building."*



Amenity considerations

I drew attention to conflict with policies of the development plan in my representations in response to the application for planning permission for the change of use of the premises to a pub. Planning permission was only granted, despite those policy conflicts, because the Council was persuaded that there would be no visual harm to the rural character of the countryside or the appearance of the Strategic Gap, no increase in the visual prominence of the premises and that there would be no change to the external appearance of the building. It attached conditions to ensure that this would be the case. Had the Council been aware of the applicant's intention to disregard the conditions attached to the planning permission, and to commit an offence by displaying advertisements without consent having been granted, it would be reasonable to suppose that the Council would not have granted the planning permission.

In terms of the effects of the advertisements in amenity terms, the following points arise;

- The "BREWHOUSE" lettering is around 2 metres in height and extends to around 23 metres in width across the whole of the north elevation. Its scale and stark white colour on the black background of the building, means that it is especially prominent.
- The lettering is highly prominent and intrusive in views of the building, particularly from the north, where countryside policies apply.
- The display is also visible from within, and detrimental to the appearance of, the South Downs National Park, the boundary of which is close-by.
- The applicant's supporting statement explicitly acknowledges the prominence of the signs and comments that the deliberate intention is for these to be highly visible from the A27.

In the light of these factors, the signs have an unacceptably harmful effect on local amenity such that advertisement consent should not be granted for their retention.

Public safety aspects

The lettering applied to the north-facing façade of the building is also such as to give rise to substantial risk to public safety in the following ways;

- The Crossbush junction is busy and a localised focus of traffic congestion. It caters for a variety of conflicting manoeuvres undertaken by local and longer distance traffic.
- The nature of the junction, which incorporates traffic signal control on its roundabout arms, is complex. Negotiating it safely requires the avoidance of any unnecessary distractions to drivers. This is all the more so as the delays that arise at peak times add to driver frustration and impatience, making the consequences of any distractions potentially more serious.
- The applicant's supporting statement explains that it is the express intention that the signs should be visible to passing traffic using the sliproad and roundabout at the A27 Crossbush junction.
- This visibility arises at a point where high-speed westbound traffic should be slowing in the approach to the sliproad, roundabout and traffic signals, at the junction. This requires that drivers' attention is not diverted by advertisements at the building. These are distracting features in a driver's peripheral vision, likely to lead to momentary inattention with highly dangerous potential consequences.

- Safe circulation within the Crossbush junction, although generally involving lower speeds, also demands close attention by drivers. The need to pay attention to lane markings, stop lines, traffic signals and the movements of other road users, means that the avoidance of driver distractions is crucial.
- The highly prominent lettering on the north-facing façade of the building appears directly ahead, intruding into a driver's view approaching the traffic signal stop-line in movements southwards from Arundel towards Littlehampton. This is a source of distraction at a point where lane-changing, stopping and queuing traffic occurs, and requires close concentration. The distracting effect of the advertisements on the building are a cause of significant risk to highway safety at this location on the principal road network.

For these reasons the signs, especially those on the north elevation of the building, cause distraction to drivers, contributing significantly and unacceptably to the risk of accidents. In this way, the retention of the unauthorised advertisements on the north elevation of the building would compromise public safety.

In view of the undoubted and significant adverse effects on amenity and public safety caused by the unauthorised display of advertisements at this site, consent under the Advertisement Regulations should not be granted. Action should also be taken by the Council in response to the offence committed under Regulation 30 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

I look forward to hearing from you in clarification of the action the Council intends to take in relation to this matter, and in respect of the related breach of condition 2 of planning permission LY/28/17/PL.

Yours sincerely,



Rob Huntley