

Recommendation Report for Planning Permission

REF NO: R/171/25/PL

LOCATION: Land outside 1-3 Broadmark Lane and
8-9 Broadmark Parade
BN16 2NE

PROPOSAL: Proposed installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, and associated BT Phone Kiosk removal. This application is in CIL zone 4 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Broadmark Parade runs north to south and is occupied by shopfronts. The proposed siting of the BT Street Hub is between the Waitrose and Domino's Pizza.
CHARACTER OF LOCALITY	The site is located within the village of Rustington, characterised by its mix of residential and commercial uses. Surrounding uses and many upper-floor units are often residential, but the predominantly retail development within the immediate surroundings informs the primary character of the site's locality.

RELEVANT SITE HISTORY

R/172/25/A	Proposed installation of 1 No. new BT Street Hub, incorporating 2 No. digital 75" LCD advert screens with associated BT Phone Kiosk removal.
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No other relevant planning history.

REPRESENTATIONS

Rustington Parish Council - Objection, on the basis of:

- The proposed Street Hub (incorporating advert screens), by reason of its siting, scale and appearance would present an incongruous feature in the street scene that would have an adverse visual impact on the character of the surrounding area.
- The proposed location of the Street Hub (incorporating advert screens) is in close proximity to a busy road junction, namely The Street with Broadmark Lane, where pedestrians are also directed to cross the road at traffic lights, via a dedicated crossing. The advertising screens, in particular, will most certainly, compromise the safe and efficient operation of the public highway for both motorists and pedestrians, as distraction will be caused to motorists and other users of the highway and pedestrian flows will be disrupted.

- The proposed BT Street Hub will reduce the space available for pedestrians and could fail to accommodate passing wheelchairs and mobility vehicles, particularly taking account of the fact that the Broadmark Cafe, located in very close proximity to the proposal has a Pavement Licence permitting it to extend its outdoor seating area by four metres.
- The proposal would contravene the Rustington Village Design Statement - Character Area 4 (Page 13).

Rustington Residents Association - Objection, on the basis of:

- It would be contrary to the traditional street scene of the village.
- An unnecessary and expensive use of public money and would contribute nothing to the appearance on the area.

1 No. letter of objection received from a nearby occupier:

- Detrimental to Rustington village.
- Out of keeping.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary.

Town Centre Retail Boundary.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal would not accord with relevant Development Plan policies in that the proposed works would result in demonstrable harm to the character and appearance of the street scene.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

DESIGN AND VISUAL AMENTIY

This application seeks planning permission for the installation of a BT Street Hub, incorporating two digital 75" LCD advert screens, following the removal of an associated BT Phone Kiosk removal. The structure would have a height of 3m, a width of 1.2m and depth of 0.35m. The screens would be internally illuminated, have 'instant' transitions between advertisements, advertisements no less than 10 seconds in duration, and the applicant has identified a willingness to agree to a condition that states the screens shall not exceed 600cd/m² between dusk and dawn.

The screens would have an in-built sensor that would adapt the illuminance levels to respond to the ambient light of the environment. The proposed maximum and minimum illuminance levels would be 5000cd/m² and 600cd/m², respectively. The night-time illuminance levels proposed do not conform to the recommended illuminance levels for a >5sqm advertisement within an E4 Environmental Zone (Urban, high district brightness; such as town centres) as outlined within Tables 10.1 and 10.4 of The Institute of Lighting Engineers' Professional Lighting Guide 05/23 "The Brightness of Illuminated Advertisements including Digital Displays" (2023). As such, the proposed illuminance levels at night are above the levels outlined by relevant guidance.

The structure would be sited within a wide section of pavement along Broadmark Parade, which has a predominately retail character featuring rows of shopfront and in-window advertisements. Advertisement and other signage within Broadmark Parade are primarily located within/on shopfronts. There is one example of internally illuminated signage on the front elevation of 4 Broadmark Parade. However, the proposed structure is larger and more prominent within the street scene and appears incongruous with changing advertisements, detracting from existing shopfronts and the traditional village character and appearance of Rustington. By introducing general advertisements to an environment largely devoid of them, the proposed structure would harmfully undermine and disrupt the existing visual order which the street benefits from.

The siting of the structure would be adjacent to existing litter bins, cycle racks, trolley parking, a pedestrian crossing, and benches as well as shopfronts and commercially provided tables and chairs sited outside the appropriate outlets. The addition of this structure will further add to this visual clutter,

however it would be significantly more prominent and overbearing when compared with the existing street furniture by virtue of its size and prominence. It would draw the eye and form a dominant and visually jarring addition to the street scene. The cumulative effect of more street furniture would have a harmful effect on the character and appearance of the area.

It is noted that an existing phone kiosk sited approximately 16m from the proposed location would be removed. While the existing phone kiosk is understood to see limited usage, its siting is not directly associated with the location of the proposed structure. Furthermore, the phone kiosk is less prominent when compared with the proposed Street Hub. The removal of the phone kiosk is not opposed, however it would not serve as mitigation against the harm identified by the current proposal.

For the reasons outlined above, the proposed development would be an incongruous addition to the street scene and it would result in harm to the character, appearance, and visual amenity of the street and is therefore, contrary to Arun Local Plan policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The Street Hub would be located on the land outside 8-9 Broadmark Parade. Due to its scale and its position, the Street Hub would not result in any overbearing, overshadowing, or overlooking effects.

The proposal is in accordance with policy D DM1 of the Arun Local Plan in this regard, in that it would not result in unduly harmful adverse overshadowing, overlooking or overbearing effects on neighbouring properties.

PUBLIC BENEFITS

The proposal would result in some public benefits in the form of improved local network coverage, free UK calls with a microphone and speaker system, and general advertisement of business, local or otherwise.

The free UK calls is also afforded limited weight given the local network coverage, and the fact the proposal involves the removal of payphones that would otherwise remain available for use by those without access to a mobile phone. It is acknowledged that the payphones are weathered and have a cost to their use, but the public benefit of the free UK calls alternative is limited. As such, the proposed Street Hub would not result in significant public benefits when compared to the existing payphone approximately 16m from the proposed location.

SUMMARY

The proposed Street Hub, by reason of its siting would be at close proximity to existing street furniture, resulting in additional clutter within the street scene of Broadmark Parade and Broadmark Lane. The Street Hub would be a visually obtrusive form of development, detracting from the existing shopfronts 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 Arun Local Plan policy D DM1 and 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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The proposed Street Hub, by reason of its siting would be at close proximity to existing street furniture, resulting in additional clutter within the street scene of Broadmark Parade and Broadmark Lane. The Street Hub would be a visually obtrusive and incongruous form of development, detracting from the existing shopfronts 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 Arun Local Plan policy D DM1 and 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.