

Recommendation Report for Consent to Display an Advertisement(s)

REF NO: R/172/25/A

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

PROPOSAL: Proposed installation of 1 No. new BT Street Hub, incorporating 2 No. digital 75" LCD advert screens with associated BT Phone Kiosk removal.

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 units.
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/171/25/PL	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).
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R/171/25/PL - This application is for full planning permission for the same proposal as this application, but notably includes the removal of 1 No. BT phone kiosk adjacent to the site.

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.

11 No. letter of objection received from a nearby occupiers:

- Detrimental to Rustington village.
- Out of keeping.
- Distraction to traffic and pedestrians.
- Inappropriate.
- Detract from businesses.
- Light pollution.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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 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.'

The LCD screens would be 1.6m wide and 1.67m high and would be attached to either side of the BT Street Hub unit, with the screens facing north and south along Broadmark Parade. They are to be internally illuminated and the applicant has stated that they would accept conditions preventing moving images, requiring 'instant' transitions between advertisements, and that no advertisements can take place for less than 10 seconds. The proposed illuminance would 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 too high and had this proposal been successful, a condition would likely have been sought to restrict night-time illuminance levels to a maximum of 300cd/m². However, the general illumination and scale of the advertisements are harmful in themselves in terms of the resultant impact upon visual amenity and the character of the area, and no such condition would abate these harms.

The structure is proposed within the small village retail area with shopfront, advertising, and hoardings along Broadmark Parade. 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 Broadmark Parade is a parade of shops in which advertisements are not uncommon. However, there is only one example of internally illuminated signage present on the front elevation of 4 Broadmark Parade as a shopfront, and the addition of the stand alone 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 the position and design the display, and the wide pedestrianised pavement at Broadmark Parade, it is unlikely to cause public safety issues e.g., by distracting drivers or restricting visibility. However, the proposals would be visible from the road to the west, and the night-time illuminance levels are greater than those recommended by the relevant ILP guidance. As a standalone, illuminated screen, this may catch drivers' attention unnecessarily in hours of darkness, and as such, had the proposal been found acceptable, a condition would likely have been sought to restrict the night-time illuminance levels to 300cd/m². Subject to this restriction, the Local Planning Authority would have been satisfied within night-time illuminance levels in terms of public safety.

Subject to the above-mentioned restriction, the adverts, by virtue of their location and size would not have had an adverse impact of the safety of pedestrians or road users.

SUMMARY

By virtue of its scale, siting, and that it they are illuminated, the advertisements would detract from, and harm, the visual amenity and established character and appearance of the street scene, and 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 By virtue of its scale, siting, and that they are illuminated, the advertisements would represent a prominent and incongruous form of advertisement that detracts from, and harms, the established character and appearance of the street scene, and is therefore, contrary to Paragraph 141 of the NPPF.