

---

Report to	<b>Planning Committee</b>
Date	<b>27 March 2024</b>
By	<b>Director of Planning and Environment</b>
Application Number	<b>SDNP/22/05843/ADV</b>
Applicant	<b>Innovate Signs One Stop LTD One stop</b>
Application	<b>1 no. non-illuminated fascia, 1 no. Window Vinyl and 1 no. poster case.</b>
Address	<b>6 Midhurst Road Fernhurst West Sussex GU27 3EE</b>

---

**Recommendation:** That the application be Approved subject to the conditions set out in paragraph 10.1 of this report.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2024) (Not to scale).

## Executive Summary

**Reason for Committee Referral:** Parish Objection – Officer Recommends Permit.

The application seeks consent to display advertisements that reflect its current proprietor's branding. The proposed display has been subject to significant revision because of officer concerns with the appearance of the initial fascia signage. The revised advertisement scheme is appropriate in terms of its proportions relative to the premises, has a muted appearance, reflecting the restrained character of other commercial operators in the vicinity of the application site. The amended scheme is concluded to be compliant with the objectives of National and local planning policy and is therefore recommended for approval.

The main issues for consideration in respect of the application are: -

- The effect on the amenity of the area which is designated as a Conservation Area
- The effect on highway safety

### I. Site Description

- I.1 6 Midhurst Road is a detached, two storey building constructed of brick, clay tiles and tile hanging. The ground floor is a convenience store, with residential accommodation above. The premises occupies a slightly recessed position relative to adjoining properties, with a small layby off the A286 directly in front.
- I.2 The premises is located approximately 40 metres south of the A286 junction with Vann Road and Church Road. The application site lies outside the conservation area, the boundary of which lies on the east side of the A286 at this point. On the opposite side of the road and to the northeast is 3 Midhurst Road, a Grade II listed building (formerly an architects practice, now a private house).
- I.3 The application premises is part of the commercial core of the village, with Crossfields to the west, Blackdown Press immediately to the north and the retail premises occupying Crossways north of the A286 junction with Vann Road. Almost directly opposite is Spur Garage car sales including outdoor display of vehicles.

### 2. Relevant Planning History

- 2.1 SDNP/23/02297/FUL - Retrospective replacement shop front. PENDING CONSIDERATION

### 3. Proposal

- 3.1 The application is for the display of 1 no. non-illuminated fascia, 1 no. Window Vinyl and 1 no. poster case. The advertisements are already in situ. The application is for consent to retain them.
- 3.2 The current illumination of the proposed advertisements does not form part of this application and is being separately pursued as a breach of the Advertisement Regulations.

### 4. Consultations

- 4.1 Fernhurst Parish Council:

To amended submission:

The council strongly objects.

South Downs Local Plan SD52 (3) creates a presumption against any other feature which obscures window displays. The proposed window vinyl's are such a feature, visually intrusive and at odds with the rural street scene, opposite a listed building. They would be prominent in views into and out of the conservation area immediately opposite the premises.

The council would also like to see the words working with removed from the fascia.

To original submission:

The council strongly objects to these proposals. This site is more sensitive than most, even within a National Park, as it is prominent in views into and out of the Fernhurst Conservation Area. The existing signage is unsightly. The proposed signage is more unsightly, and would detract from, rather than improve, the street scene in the centre of our village.

There should be no external lighting, and a more muted colour palette should be used. With the proposed illumination and bright, garish, colours it may also constitute a distraction for road users on the approach to a busy junction.

There is a presumption against external lighting of such frontage in the SDNP Local Plan (SD52.3), and the council considers it to be unjustified here. If this objection should be overruled, any proposed lighting should at the very least, by condition, be dark skies compliant (no compliance information has been submitted) and only illuminated during permitted opening hours. The strident and discordant design of the proposed signage is not sympathetic to the rural street scene. A much softer colour scheme should be used, to respect the special qualities of the location, as outlined in the SDNP Design Guide SPD.

Also, extensive use of white text on a pillar-box red background is potentially misleading, as this "visual language" suggests that this site is, or may be, a Post Office. Fernhurst already has an excellent Post Office, being a tenant of Chichester District Council, a few metres distant at Crossfield. There is no prospect that the site in question will become a Post Office.

**Representations**

4.2 13 Third Party objections to original submission:

- Colours and illumination are prominent, out of character and inappropriate.
- Level of advertisement excessive
- Visual impact on setting of listed building and conservation area opposite
- Harm to Dark Night Skies
- Impact on highway safety - a distraction.

1 Third Party objection to amended submission:

- Fascia displays much improved but object to wording including "working with Fernhurst"
- Window displays unnecessary and garish.

4.3 1 Third Party support (to amended submission)

- Branding synonymous with affordable products.

5. **Planning Policy**

5.1 Relevant Sections of National Planning Policy Framework:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development

- NPPF04 - Decision-making
- NPPF12 - Achieving well-designed and beautiful places
- NPPF16 - Conserving and enhancing the historic environment

5.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- SD5
- SD15
- SD53

5.3 Most Relevant Policies of the Adopted Fernhurst Neighbourhood Plan (A full list of other relevant policies can be found in Appendix 1)

- Policy EE3: Light Pollution

5.4 Relevant Policies of South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 50

5.5 Other Relevant Policy Documents (including SPDs and TANs)

- SDNPA Adopted Design Guide SPD (July 2023)

## 7. **Planning Assessment**

### 7.1 Background

7.2 6 Midhurst Road is a long-established ground floor retail unit on a busy through road. The character of its setting is a mix of commercial and residential premises, the latter also occupying the upper floors of retail premises.

7.3 The premise was recently acquired by One Stop who consequently carried out re-branding of the building. The projecting Dutch plasticised canopy was initially substituted with a flat fascia in red and white, the former 'Walls' projecting sign on the north elevation replaced with a 'One Stop' sign. The former window decals were removed. Both the fascia and projecting sign were externally illuminated.

7.4 Advertisement Consent was not sought at the time and the application has been submitted in response to an enforcement investigation.

7.5 A separate application for minor works to the shopfront itself is subject of a separate application currently under consideration.

### 7.6 The principle of the development

7.7 The determining factors when considering advertisements are solely amenity and highway safety grounds. This is set out in national guidance at Section 12, paragraph 141 of the National Planning Policy Framework (NPPF).

7.8 Policy SD53 of the South Downs Local Plan sets out the criteria where advertisement consent will be granted as follows:

- a) The location, size, scale, proportions, design and materials of the advert

respects the character and appearance of the host building (including any historic significance), site and area;

b) The number of adverts is kept to a minimum to ensure that there is no harmful cumulative impact on the host building and/or the amenity of the area; and

c) There is no harmful impact to public safety.

2. There will be a presumption against internally illuminated advertisements.

3. Externally lit advertisements are normally only appropriate for businesses operating in the evening. If it cannot be avoided, they should be kept to a minimum, be discreetly positioned and incorporated into the design of the building.

### Amenity

- 7.9 Officers had expressed reservations about the original installation of the advertisements in relation to the relatively strident colour palette of red, white and blue and external illumination. As a result, the applicant has proposed a significantly amended scheme; the fascia colour is now a much more recessive Anthracite (dark blue/grey) with white lettering on a blue panel in the case of the 'one stop' wording. The projecting sign is omitted and there is now no illumination proposed. The previous window decals obscuring both windows are replaced with a single window display on the right-hand side of the entrance.
- 7.10 The amended advertisements are not assertive in character and the muted colour palette compares favourably with the generally restrained commercial character evident in this area of Fernhurst. The removal of the previous Dutch canopy has meant that the proportions of the building they relate to is now better expressed, with the ground floor no longer partially obscured. The premises is set back from the highway edge, meaning that its presence within the street scene is generally recessive, with the Blackdown Press and car sales premises commanding greater prominence.
- 7.11 It is important to note that this application seeks consent for a non-illuminated advertisement display. Officers are aware that the main fascia sign is currently illuminated, which is not part of this application and is being dealt with as a separate matter by the LPA's Enforcement Team.
- 7.12 The conservation area boundary is demarcated by the A286 at this point and its focus is east toward the older part of Fernhurst, centred around the green. The amended advertisement display is read very much in context with the relatively modern, commercially orientated development of Fernhurst on the west side of the A286. As a result, it is concluded that the advertisement display would have a neutral effect on views into and out of the conservation area.
- 7.13 Similarly, diagonally opposite the application site is 3 Midhurst Road, a grade II listed building. Its setting is compromised to some extent by the proximity of the A286 and associated traffic and more modern development opposite to its western side. Furthermore, the revised advertisement display on the premises is not seen directly in the context of the listed building and therefore it is concluded that the advertisements do not have an adverse effect on the setting of the listed building.
- 7.14 The issue raised about the impact on dark night skies on the initial submission has been resolved with the omission of any form of internal or external illumination.

### Highway Safety

- 7.15 The premises is set back from the highway and in its amended form, the advertisement

display is restrained in appearance, less so than the signage it replaced. More prominent signage is noted attached to the Blackdown Press and drivers are likely to be focussed on keep left islands and the junction ahead. An objection on highway safety grounds cannot be sustained in this instance.

#### Other Issues raised in representations

- 7.16 Most comments by third parties were received in respect of the first version of the proposed advertisement display. Most have been addressed by the applicant's amended scheme, which incorporates a more muted colour scheme and the omission of any form of illumination.
- 7.17 The presence of window decals is in part informative to the visiting public. The coverage is not dissimilar to what existed previously and the black and white imagery is appropriately recessive.
- 7.18 Some third parties and the Parish are critical of the wording of the advertisement. Members are reminded that the Local Planning Authority have little or no influence over the content of an advertisement and are only concerned with matters of amenity and highway safety.

#### **8. Conclusion**

- 8.1 The applicant has responded positively to concerns over the original form of the advertisement display on the premises and has amended the scheme to illustrate a more restrained colour palette, the removal of illumination and reduction in the number of advertisements on the premises. It is concluded that the proposal accords with the objective of both national and local planning policies referred to above and the SDNPA adopted design guidance relating to signage set out at C.5.5.5.

#### **9. Added Value**

- 9.1 Design and landscape character – significant revision to extent and appearance of advertisement display.

#### **10. Reason for Recommendation and Conditions/Reasons for refusal**

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

#### **Planning Conditions and Reasons**

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2.
  - a) Any advertisement displayed and any site used for the display of advertisements shall be retained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
  - b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - c) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
  - d) No advertisement shall 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.  
e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To comply with Regulation 14(1) and Schedule 2 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and for the purposes of visual amenity and paragraph 67 of the National Planning Policy Framework.

**Mike Hughes**  
**Interim Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Derek Price  
Tel: 01243 534734  
email: dprice@chichester.gov.uk

Appendices Appendix 1 - Information concerning consideration of applications before committee  
SDNPA Consultees Parish Council

Background Documents NPPF,  
SDNPLP,  
SDMP,  
Adopted Design Guide 2023,  
Fernhurst Neighbourhood Plan  
Planning (Listed Building and Conservations Areas) Act 1990

**Appendix 1 – Information concerning consideration of applications before committee**

Officers can confirm that the following have been taken into consideration when assessing the application:-

**National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

**National Planning Policy Framework and the Vision & Circular 2010**

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government

Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

### **Major Development**

Paragraph 183 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 183 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 183 is undertaken in the Assessment Section of the main report.

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

### **The Conservation of Habitats and Species Regulations 2017**

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

### **Relationship of the Development Plan to the NPPF and Circular 2010**

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

### **The South Downs National Park Partnership Management Plan 2019-2025**

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

### **South Downs Local Plan**

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that "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”.

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD53: Advertisements

All Relevant Policies of the Neighbourhood Plan

- EE3

**Human Rights Implications**

These planning applications have been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**Equality Act 2010**

Due regard has been taken within this application of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**Crime and Disorder Implication**

It is considered that the proposal does not raise any crime and disorder implications