
Site Address:	26-30 London Road, Cowplain, Waterloooville, PO8 8DL		
Proposal:	Display of 1No. LED screen display board. (Revised Application).		
Application No:	APP/14/01010	Expiry Date:	21/11/2014
Applicant:	Cowplain Pharmacy	Team:	Team 2
Agent:		Case Officer:	Tina Pickup
Ward:	Cowplain		

Recommendation: **REFUSE ADVERTISEMENT CONSENT**

1 Site Description

The application site relates to the relatively new two/three storey 'medical centre complex' located on the east side of the London Road in Cowplain, and specifically to the pharmacy which is on the ground floor in the south-west corner of the complex. The centre is accessed by vehicles off Padnell Road and Padnell Avenue but there is a footpath link to the main London Road. The building is set back from the London Road by some 8m, is set at a slightly lower level and there are significant trees within the highway verge which do partly screen the site. The site is situated immediately adjacent the traffic lighted junction on London Road with Padnell Road.

The entrance to the pharmacy is angled across the corner of the building and set back beneath the first floor corner above. A supporting pillar is therefore in front of the entrance to the shop. The 'shop window' is located on the west side, facing the London Road.

There are already numerous signs on this building. The actual pharmacy has individually applied non-illuminated letters stating 'PHARMACY' and the pharmacy symbol on both the west and south elevation of the corner projection in front of the recessed front door. Furthermore the shop window in the west elevation is not used for the display of goods but rather has a large advert for the pharmacy applied to the window area. There are also 3 large, non-illuminated sign boards applied at first floor level on the west elevation: one advertises the Pharmacy; one Cowplain Family Practice; and one Private Healthcare Centre. Due to their size and location above the bottom of the first floor window they are likely to fail the criteria for deemed consent and therefore be unauthorised. The south elevation also has two non-illuminated board signs at ground floor level.

In addition there is a freestanding double-sided post sign within the grass verge adjacent the pavement that advertises the Cowplain Centre with boards for its sponsors: Healthspace South and Cowplain Family Practice.

2 Planning History

08/68275/002 - Demolition of existing houses and GP surgery and construction of new GP/Pharmacy/Health premises including new access, car park, servicing and landscape, permission granted 12/12/2008.

12/00567 - Display of 1No. double sided non illuminated entrance sign - Adv Consent
17/8/12

14/00218 - Display of 1 No LED screen display board Refused for 2 reasons - distraction to drivers/highway safety; and excessive display/clutter& location on building detrimental to visual amenity. Appeal dismissed 30 July 2014

3 Proposal

Following the dismissed appeal the applicant erected a smaller LED display board adjacent the entrance doors to the pharmacy, beneath the entrance canopy, thinking it did not need advertisement consent. However, under Class 5 of the Advertisements Regulations, clause (3) (b) notes that the illumination of signs must be static only and not include any intermittent light source, flashing lights or moving parts. Since the sign is an LED scrolling message board, then it fails these criteria and requires advertisement consent. This retrospective planning application has therefore been submitted.

The sign measures 0.95m x 0.3m x 4cm deep and displays Green messages and symbols. There are at least 5 different displays/messages that the sign scrolls through and these vary in both horizontal and vertical display.

4 Policy Considerations

National Policies

NPPF

Planning Practice Guidance on Advertisements, 6/3/2014

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

DM10 (Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - Highway Authority recommends refusal - flashing signs are identified in NPPF as main type of sign that causes danger to road users i. Where the means of illumination is directly visible from any part of the road;

ii. Which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals;

iii. Which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or

iv. Which are subject to frequent changes of the display;

Since sign still visible from London Road it still constitutes a distraction; and being green which is associated with adjacent traffic signal. Refuse

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 24

Number of site notices: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: sign on 24 hrs 7 days a week despite pharmacy only opening for 24 hours 2 days per week; is a distraction to motorists on the main road on which there is no entrance to this facility; sufficient signage already, further signage not necessary or desirable; is excessive

Comment: these issues will be considered below:

7 Planning Considerations

- 7.1 Applications for the display of advertisements can only be considered in the interests of amenity and public safety, having regard to the development plan and any material considerations. One such material consideration is the recent appeal decision for the larger LED screen display board above the fascia sign, and the Inspector's comments. These will be referred to in their relevant considerations:
- (i) Amenity
 - (ii) Public Safety
- (i) Amenity
- 7.2 At pre-application stage informal advice was given that the smaller size and revised location of the sign would cause less 'significant' harm to the visual amenity of the area. However, having carefully reconsidered the previous Inspectors comments, and made a site visit during the evening when dark, the true impact of the proposed sign, despite its smaller size and location, on the amenity of the area is considered to be harmful per se. The site is located in a mixed area comprising shops, other businesses and residential properties. The previous Inspector was very clear at para 8, that 'the siting of a moving or flashing LED screen display board would be inappropriate' in such a locality having a 'negative impact on the amenity of the local community and particularly local residents'. This fundamental fact has not changed, the site is still in a mixed area. There are flats above the shops 59-63 London Road opposite whose first floor windows look directly across to the site.
- 7.3 In the dark the surrounding area is lit through street lights, and the traffic lights themselves are necessarily bright. On the east side of London Road there are no other illuminated signs, the health centre being adjacent a line of residential properties. On the opposite, west side of London Road, the shops are mixed in their lighting levels. To the north, the Co-Op has illuminated external fascia signs, as does the indian and chinese takeaways opposite (nos 63A & 65?) and the estate agents Morris Dibben at No 59. Further south the Pasha restaurant and Red Lounge also have illuminated signs. Some of the shops also leave a low background light on within their premises so shop window displays were dimly lit. However, overall the ambient lighting level was quite dark, an orangey light - the brightest element was the street lights, the shop windows and illuminated fascias themselves were comparatively quite dim, they provided a background glow rather than actual light. They were all static.
- 7.4 In comparison the application sign did appear as a piercing, intense, bright green light. Because it is continually scrolling through messages with changing letters and symbols, the 'profile' and 'pattern' of the light emitted changes, drawing the eye to it. The green colour does appear particularly bright and shines much brighter than the background shop light on which it is displayed. It is also noted that, according to correspondence from the neighbour above, the LED sign is left on 24 hours a day, 7 days a week. This is beyond the opening hours of the pharmacy. Illuminated signs are usually to attract customers that a business is open and where acceptable in principle would be

conditioned to be only turned on/illuminated to match opening hours. It is considered excessive and inappropriate to this mixed use area, to have a bright scrolling sign on 24/7. It is concluded that whilst the sign is smaller than the dismissed appeal sign, and tucked beneath the entrance canopy, it is nevertheless still an overly bright, continuously flashing LED screen display board that is considered inappropriate to the character of the area and is harmful to the amenity of the residents and businesses opposite, contrary to policy DM21 of the Havant Borough Local Plan (Allocations) Plan, October 2013.

- 7.5 With respect to the issue of excessive signage the previous Inspector noted that "...the existing signage at the site is still excessive and the proposed display board would result in unnecessary visual clutter...". The current proposal is still an additional sign, further adding to the presence of signs on the whole building. The new healthcare centre already has excessive signage which appears to have been added in a piecemeal fashion. The freestanding double-posted sign on the verge already provides a more comprehensive signage close to the London Road highway that provides an appropriate 'tidy' advert that suitable advises and attracts passers by of the services provided. The addition of the LED screen board, represents further signage at the site and unnecessary visual clutter. Whilst it is accepted that the size and location of the sign is less prominent on the building than the previous proposal, it is nevertheless considered to detract from the visual appearance of the building itself and represent additional signage of inappropriate design, ie being intermittent. This is therefore contrary to policy DM21 of the Havant Borough Local Plan (Allocations) Plan, October 2013.

(ii) Public Safety

7.6 The new Planning Practice Guidance, 2014, notes at para 67 that "All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings..." etc. This revised, smaller sign is still on the same building, and visible from the adjacent busy traffic lighted junction that also provides a pedestrian crossing and is therefore in a highly sensitive location likely to affect public safety.

7.7 Paragraph 68 goes on to specify the main types of adverts that could cause a danger to road users and includes "(b) those which, because of their size or siting...would be likely to distract road-users because of their unusual nature;..." and (d) "those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology:

- i. where the means of illumination is directly visible from any part of the road;
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals;
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or
 - iv. which are subject to frequent changes of the display;
- and (e) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;"

7.8 Whilst the sign is smaller than the previous appeal sign, and resited, it nevertheless is still a scrolling LED sign that fundamentally fails the above criteria on all of these counts. It is still visible from the London Road at a point adjacent a traffic lighted junction where it could distract drivers. The previous Inspector noted that 'Given the advertisement would be located in close vicinity of both a junction and pedestrian crossing the proposed advert poses a particular risk to public safety'. It is considered that the smaller size and repositioning does not affect these comments - the sign is still a risk to public safety. Additionally it is green, the same

bright green as traffic lights, and being so close to the traffic lights, the green light emitted is visible when approaching from the south which could be confusing to drivers, representing a public highway safety danger.

- 7.9 Policy DM10 seeks to resist development that would cause pollution through light if the health and safety of users of the vicinity are put at risk. Since the sign would be detrimental to highway safety then the proposal is considered contrary to this policy as well as the new Planning Practice Guidance advice and policy DM21 of the Havant Borough Local Plan (Allocations) Plan, October 2013.

8 Conclusion

- 8.1 Whilst the LED screen display board is smaller and more discreetly sited than the previous sign dismissed at appeal, it is nevertheless considered to be detrimental to both amenity and public safety, by virtue of its continuously scrolling bright piercing green light on the building where it is both visible to businesses and residents opposite, detrimental to the amenity of the area; and also constitutes a distraction to drivers at the adjacent traffic junction. It is therefore recommended to refuse advertisement consent. Since the sign is already displayed and does not benefit from advertisement consent, it is currently illegal. It will therefore be necessary to also recommend enforcement proceedings to secure its removal from the site. The applicant will be written to advising of the illegal nature of the sign and given options to remedy the breach e.g. requesting that the sign be switched off entirely or made to be static only.
- 8.2 It is understood the application seeks to make the presence of the pharmacy more obvious at night time. It is however considered that there would be more appropriate and sympathetic ways to achieve this - for instance the existing individually applied letters forming the main fascia sign could be externally lit with static lights.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE ADVERTISEMENT CONSENT** for application APP/14/01010

(A)

(B) for the following reasons

- 1 The display of this exceptionally bright LED scrolling sign in a mixed use area is considered detrimental to the visual amenities of the healthcare site and local community within which it is located. The sign represents an additional, unnecessary sign on an already cluttered building, resulting in an excessive display and clutter of advertisements, which would be detrimental to the visual amenities of the area. It is therefore considered to be detrimental to amenity, contrary to advice in the National Planning Policy Framework 2012 and Planning Practice Guidance on Advertisements, dated 6/3/14, and contrary to policy CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM21 of the Havant Borough Publication Local Plan (Allocations), October 2013.
- 2 The LED screen display board, as displayed, by reason of its green colour facing a highway adjacent a traffic light junction, and method of rotational display, constitutes a distraction to drivers and a hazard to road users. It is

*Reasons
Slightly more
noted &
12/11*

therefore considered to be detrimental to public safety, contrary to advice in the National Planning Policy Framework, 2012 and Planning Practice Guidance on Advertisements, dated 6/3/14 and contrary to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and policy DM21 of the Havant Borough Publication Local Plan (Allocations), October 2013