

Appeal Decision

Site visit made on 17 July 2017

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th July 2017

Appeal Ref: APP/X3405/Z/17/3177288

Free Lance Garage, Wolverhampton Road, Cannock WS11 1ST

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Richard Page (Insite Poster Properties Ltd) against the decision of Cannock Chase District Council.
 - The application Ref CH/17/131, dated 16 March 2017, was refused by notice dated 28 April 2017.
 - The advertisement proposed is described as 'Replacement of 2no 48-sheet advertising displays with 2no 48-sheet digital LED advertising displays'.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and are subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The advertisement hereby approved shall operate at an illumination level no greater than 600cd/sqm during the day and night 300cd/sqm at night.
 - 2) The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
 - 3) There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 4) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Preliminary matters

2. The Council have drawn my attention to a policy they consider to be relevant to this appeal and I have taken it into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
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Main issue

3. The main issue in the appeal is the effect of the proposed advertisement on the amenity of the area.

Reasons

Amenity

4. The proposal is as described above and would effectively replace the existing double sided 48 sheet advertising hoarding; this is confirmed by the Council's delegated report that states that the position, orientation and size of advertisements would remain the same.
5. The appeal site is located on Wolverhampton Road which is a key route into Cannock town centre. The area around the appeal site is characterised by warehouses, offices, restaurants and vehicle parking/forecourts, each with their own advertising. The character of the street scene is vibrant and busy. Furthermore, I observed the interface between the commercial area and the residential properties that are located to the south of Saredon Brook.
6. The proposed digital LED advertising displays would be visible when travelling along Wolverhampton Road due to their size, location, illumination and the linear nature of the street. However, even taking account of their illumination the proposal would not appear materially different to that of the existing hoardings in the context of the busy commercial setting. Moreover, the proposal is separated from the residential properties south of Saredon Brook by intervening commercial properties and an approximate distance of 90m. This would ensure that the proposal would largely be observed in a commercial setting and would not materially affect the amenity of residential properties in Wolverhampton Road. Consequently the proposal when compared to the existing hoardings would not appear over dominant or strident in the street scene and therefore would not materially harm the amenity of the area.
7. Having come to the conclusions above, the 2 no 48-sheet digital LED advertising displays in this site specific location would not materially harm the amenity of the area.

Conditions

8. Various conditions have been suggested by the appellant; I consider that the brightness of the displays, the frequency with which adverts would change, the method of change between adverts and the sequence of successive images would all have the potential to cause driver distraction and have a detrimental effect on the safe use of the highway. I have therefore imposed conditions in order to control these aspects of the proposal.

Conclusion

9. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR