



Appeal Decision

Site visit made on 5 November 2019 by L Wilson BA (Hons) MA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/V2825/Z/19/3236102

Gable at Spencer Bridge Road, Spencer Bridge Road, Northampton, NN5 7AG

- 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, on behalf of Insite Poster Properties Ltd, against the decision of Northampton Borough Council.
 - The application Ref N/2019/0667, dated 24 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is described on the application form as the "replacement of an existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display. Removal of lower two and upper right hand 48-sheet advertising displays".
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Decision

1. The appeal is allowed and express consent is granted for the display of advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 600 candela/m² during daylight hours and 300 candela/m² during the hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds, the sequencing of messages relating to the same product is prohibited and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement and the display will include a mechanism to freeze the image in the event of a malfunction.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

4. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.
5. The appeal site is situated next to a busy traffic-controlled crossroad junction at the corner of Spencer Bridge Road and Harlestone Road. The advertisement would be located on the gable of No.32 Harlestone Road. The ground floor level of No.32 serves as a commercial use. The surrounding area is predominantly residential in character with some retail and commercial uses which includes two supermarkets and a car wash.
6. The scheme would be situated in a prominent location, but the existing advertisements have already impacted the character of the area and are a prominent feature in the street scene. The Council does not dispute the appellant's claim that the site has been in advertising use since 1952. There is also an advertisement display on Greenwood Road which is visible from the appeal site. As a result, advertisements are clearly evident within the existing street scene and the proposal would not introduce a novel nor alien feature into the area.
7. The proposal would replace the existing four 48 sheet advertising displays with one 48 sheet digital advertising display. Each advertising image would be displayed on a 10 second sequential rotation.
8. The Council are concerned that the changeover of images would be highly noticeable and would draw more attention to the site than the current unilluminated signage. There is no demonstrable evidence which shows that the difference between displaying a single advert and a sequence of adverts, which includes no special effects indicating an image change, would harmfully increase the prominence of the scheme. The intensity of the illumination, display time and interval between advertisements could be controlled by a condition to ensure that the proposal is appropriate for the urban location. Based on the evidence submitted, the scheme would have less of a visual impact than the current advertisements because it would result in a significant decrease in the scale of advertising on the gable.
9. For the reasons given above, I find that the proposed advertisement would not harm the visual amenity of the area. I have taken into account the National Planning Policy Framework in so far as relevant to matters of amenity and public safety. Since the proposed advertisement would not cause visual harm to the street scene, the scheme would meet the aims of paragraph 132 of the National Planning Policy Framework.

Conditions

10. The Council does not consider that any additional conditions, other than the five standard conditions set out in the Regulations, should be imposed. Conversely, the appellant has suggested a number of additional conditions.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

These have been assessed in light of guidance found in the Planning Practice Guidance and where necessary have been amended for clarity and precision.

11. It is noted that the appellant requested consent for a ten year period. However, no substantive evidence was provided to justify such an extension and therefore the standard five year consent has been granted. In any event, after five years the advertisement can continue to be lawfully displayed as it will have the benefit of deemed consent under Class 14 of Schedule 3 of the Regulations.
12. In the interests of public safety and amenity, I have imposed conditions controlling the illumination, sequencing and length of displays, as well as requiring the display to freeze in the event of any malfunction.
13. I acknowledge that the Local Highway Authority were consulted on the proposal and advised that the maximum luminance levels of the sign should not exceed 300 candela/m²; but the Council did not recommend a condition controlling luminance levels. The appellant states, in their appeal statement, that the advertisement would be illuminated to 600 candela/sqm during daylight and 300 candela/sqm at night. This level of luminance would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals as the site is, I consider, located within a medium district brightness area.

Conclusion and Recommendation

14. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree and conclude that the appeal should be allowed subject to the conditions attached.

Andrew Owen

INSPECTOR