
Appeal Decision

Site visit made on 3 February 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/Z1510/H/19/3239135

Bus Shelter 2502 0017, Collingwood Road, Witham, Essex

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Miss Linda Francomb against the decision of Braintree District Council.
 - The application Ref 19/00386/ADV is dated 26 February 2019. The condition in dispute is No 4 which states that: *The digital advertisement display hereby approved shall not change more than once in a 24 hour period.* The reason given for the condition is: *In the interest of visual amenity within the Conservation Area.*
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Decision

1. The appeal is allowed and the advertisement consent Ref 19/00386/ADV for 'to upgrade paper advertising panels on bus shelter to a display of double sided digital advertising panels on bus shelter' at Bus Shelter 2502 0017, Collingwood Road, Witham, Essex granted on 19 August 2019 by Braintree District Council is varied by deleting Condition 4 and substituting for it the following condition:
 - 4) The digital advertisement display hereby approved shall only display static advertising images that shall not change more than once in any ten second period for the lifetime of the development. The proposed change in image method for the advertisement must use a smooth fade process.

Procedural Matter

2. In the interests of precision and accuracy and for the avoidance of doubt, I have amended the address in the banner heading and decision above to reflect that on the decision notice.

Background and Main Issue

3. Advertisement consent was granted under application 19/00386/ADV, to upgrade paper advertising panels on the bus shelter to double sided digital advertising panels. This consent included Condition 4, the subject of this appeal, that restricts the frequency in which the advertisement can change to once in a 24 hour period. The appellant opposes this condition and seeks an amendment to allow the display to change no more frequently than every 10 seconds as detailed within the supporting information submitted with the application subject of this appeal. The Council officer's report and decision

notice maintain that the currently imposed condition is necessary in the interest of visual amenity within the Conservation Area. The appellant objects to the condition as she considers that it is neither necessary or reasonable as required by the National Planning Policy Framework.

4. Taking the above into account the main issue is whether the condition is reasonable or necessary in the interests of preserving or enhancing the character and appearance of the area.

Reasons

5. The appeal site is located within Witham town centre, and the character of the immediate area is mixed with residential, commercial and community buildings. There is an existing bus stop at the appeal site with an internally illuminated paper advertisement panel. As such the visual amenity of this part of the Newland Street Conservation Area is already defined to some degree by the presence of illuminated advertisement structures within the existing bus stops. Through the grant of consent the Council have found that the replacement of the existing with digital advertisement panels of the form and luminance proposed would be acceptable.
6. Owing to this, I consider that the visual impact of the advertisement has already been established. Road users and passers-by would experience the advertisement relatively fleetingly when passing along Collingwood Road or from Newlands Drive opposite. On the evidence before me, I am not persuaded that there would be any significant increased impact to visual amenity from the display of static images in sequence, whether they change once every 10 seconds or on a 24 hour rotation. To my mind, the level of rotation proposed by the appellant would not be significantly intrusive and the visual amenity and character of the Newland Street Conservation Area would not be greatly altered by the suggested amendment to the frequency of change in image.
7. For the above reasons, I consider the visual amenity and character of the Conservation Area would be preserved even if the frequency of rotation is amended. As such I consider that there is no justification for the current requirement imposed by Condition 4 and find the restrictions unreasonable and unnecessary. It is therefore necessary to substitute the condition as suggested by the appellant and the amended wording is shown in the decision above.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed. I will vary the planning permission by replacing Condition 4 with a revised condition as detailed within the decision above.

Robert Lankshear

INSPECTOR