The Planning Inspectorate

Appeal Decision

Site visit made on 27 January 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/T1410/Z/19/3238250
126 Seaside Road, Eastbourne BN21 3PF

- 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 Insite Poster Properties Ltd against the decision of Eastbourne Borough Council.
- The application Ref PC/190391, dated 14 May 2019, was refused by notice dated 27 August 2019.
- The advertisement proposed is replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.

Decision

1. The appeal is allowed, and consent is granted for replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display at 126 Seaside Road, Eastbourne BN21 3PF, subject to the standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Main Issue

2. The Regulations make clear that advertisements should be subject to control only in the interests of amenity and public safety. The Council raises no objection on safety grounds, and I have no reason to take a different view. The main issue is the effect of the proposed advertisement on amenity, principally that of local residents and passers-by.

Reasons

3. The proposed digital advertisement display would replace an externally illuminated poster hoarding on the flank wall of 126 Seaside Road. The appellant contends that the existing advertisement is lawful and displayed with 'deemed consent' under Class 13 of Schedule 3 of the Regulations, the site having been in advertising use since 2003. The Council does not contest this and has not given any indication that it would serve a discontinuance notice in the event of this appeal being dismissed. The evidence suggests that the existing hoarding is a long-established and accepted part of the built environment.

4. The area to the east of the site is predominantly residential, with a flatted block known as Bourneside Court lying directly opposite. However, the proposed advertisement display would be mainly visible in westerly views towards a secondary shopping area, where it would be seen in the context of retail and other commercial premises at street level. Large format advertising is not

characteristic of the locality, but the proposed display would add visual interest to what would otherwise be a blank wall. In this regard, it would be no different to the existing poster hoarding.

5. The proposed digital display would be of near identical size and mounted in the same position as the existing advertisement. It would be framed against the end of the building terrace. Seen in the context of commercial signage on Seaside Road to the west, it would not be discordant or out of character. Neither would it contribute to visual clutter or an unnecessary proliferation of signage when compared to the present situation.

6. One of the principal matters of contention is that of illumination. The current advertisement is externally illuminated, whereas the proposal is for a modern digital LED display. In response to the Council's concerns, the appellant has proposed a reduction in daylight luminance to 300 candela/m^2 and is prepared to cut the night luminance to 100 candela/m^2. These figures are significantly below the recommended maximum luminance of 600 candela/m^2 set out for urban areas in guidance published by the Institute of Lighting Professionals[1]. It is also proposed to set the time of operation to between 0600 and 2300 hours and to restrict the display to static images without special effects.

7. The Council contends that the luminance would have a significant impact on the occupiers of Bourneside Court in terms of light pollution. Although the sign would be visible to neighbours, the impact would not be significantly different to the existing poster display, albeit the illumination would be more consistent across the display. The measures proposed by the appellant in terms of luminance levels and the timing and method of operation would be sufficient to ensure that there is no harm to the living conditions of adjoining residents, most of whom are likely to have their curtains and blinds shut after dusk in any event.

8. The site lies within the Town Centre and Seafront Conservation Area. The Council's own character appraisal identifies the most significant features of this character area as the oldest part of Eastbourne town, 18th century buildings, the pier and the mixed commercial and residential uses. The most notable listed building nearest the site is the Royal Hippodrome theatre. The proposal would not have any adverse impact on the setting of this building, or the heritage significance of this part of the Conservation Area. The character and appearance of the Conservation Area as a whole would be preserved.

9. The Council has drawn my attention to those policies of the Eastbourne Borough Plan which it considers to be relevant to this appeal. Whilst not decisive, I have had regard to these policies as material considerations.

10. Accordingly, I conclude that the proposed advertisement would not cause undue harm to amenity. Subject to the imposition of appropriate conditions, a grant of express consent is justified.

Conclusion

11. For the above reasons, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

[1] ILP Professional Lighting Guide PLG 05:2014 "The Brightness of Illuminated Advertisements"

SCHEDULE OF CONDITIONS

1) Express consent is granted for a period of 5 years from the date hereof.

2) Illumination of the advertising unit shall be a maximum of 300 candela/m^2 during daylight and 100 candela/m^2 at night. The display shall be switched off between the hours of 2300 and 0600.

3) The minimum display time for each advertisement shall be 10 seconds 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.

4) The sequencing of messages relating to the same product is prohibited.

5) The interval between successive displays shall be 0.1 seconds or less. The complete display screen shall change without any visual effect. between each advertisement.

6) The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.

The Standard Conditions

7) No advertisement is to 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.

8) No advertisement shall be sited or displayed so as to—
   a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
   b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
   c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

9) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

10) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

11) Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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