



Appeal Decision

Site visit made on 3 February 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2020

Appeal Ref: APP/J4525/Z/19/3238473

Break Time Café, Hendon Road, Sunderland, SR2 8AS

- 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 Ben Porte (Clear Channel UK), against the decision of Sunderland City Council.
- The application Ref 19/01285/ADV, dated 30 July 2019, was refused by notice dated 24 September 2019.
- The advertisements are for the replacement of 2no illuminated 48-sheet advertisements with 1no LED illuminated 48-sheet advertisement.

Decision

1. The appeal is allowed and express consent is granted for the replacement of 2no illuminated 48-sheet advertisements with 1no LED illuminated 48-sheet advertisement at Break Time Café, Hendon Road, Sunderland, SR2 8AS, in accordance with the terms of application Ref 19/01285/ADV, dated 30 July 2019 and subject to the five standard conditions set out in the Regulations and the following additional ones:
 1. The intensity of the illumination of the advertising unit permitted by this consent shall at all times accord with the thresholds set out in the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements" (PLG05:2015) and be equipped with an ambient/photo cell sensor which shall monitor ambient light conditions and adjust brightness accordingly.
 2. The minimum display time for each advertisement shall be 10 seconds;
 3. The sequencing of messages relating to the same product is prohibited;
 4. The interval between successive displays shall be 0.1 seconds or less;
 5. The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any 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.

Preliminary Matters

3. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn my attention to policies it considers relevant to this appeal and I have taken them into account as a material consideration though they have not, by themselves, been decisive in reaching my determination.
4. Since the submission of the appeal the Council has adopted the Sunderland Core Strategy and Development Plan 2015 – 2033 (2020) (CS). Policies BH1, Policy BH4 and Policy ST3 of the CS have been considered in the context of the above.

Main Issues

5. The effect of the proposal on 1) the visual amenity of the area and 2) highway safety.

Reasons for the Recommendation

Visual Amenity

6. The appeal site is located within a car park that serves an adjacent commercial business. Within the appeal site there are two existing advertisement hoardings. The site is located on the west side of the A1018 Hendon Road and north of the White House Road roundabout.
7. The character of the surrounding area is derived from large industrial and commercial units that front this part of the highway and which form part of the Hendon Industrial Estate. A number of industrial/ commercial and high-rise residential buildings can be seen in long views from this section of Hendon Road. On the east side of the road are a number of commercial units which display a variety of different sized fascia signs. These along with the existing hoardings contribute to the character of this mixed use area. It is within this context that I have considered the proposed advert.
8. The proposal would replace two existing externally illuminated 48 sheet poster displays with one digital 48 sheet internally illuminated digital display. A new image would materialise every 10 seconds with the interchange between each image virtually instantaneous. The proposal would be slightly larger in height than the existing and would be sited closer to the highway.
9. Whilst accepting that the proposed display would increase in height and would be sited closer to the highway than the existing signs, it would not appear anymore visually prominent within the streetscape as the two existing illuminated signs that it would replace, particularly when viewed from either direction taken along Hendon Road, or from the White House Road roundabout, which the Council note as being approximately 90 metres away. It would remain set back against a background of visually prominent and large industrial/ commercial premises with high-rise flats

behind. The appellant affirms that the proposed levels of digital illumination would be in line with the Institute of Lighting Professional Guidance (ILPG) and these levels have not been disputed by the Council. Even though the adverts might change in sequence each one would be static whilst displayed and providing that the timing of the sequencing is limited by condition, I do not consider that the changes in display would be any more visually intrusive than those that it would replace.

10. The Council note they have no record of the existing adverts benefitting from advertisement consent and are concerned that if consent is granted for the proposed advert this would open the doors for similar proposals. However, no directly similar/comparable proposals to which this might apply were put forward. Each application and appeal must be determined on its individual merits and a generalised concern of this nature does not justify withholding consent in this case.
11. Accordingly, it would not affect visual amenity nor, by reason of its size, position, illumination, have a materially greater impact on the visual amenity or the character of the area as the displays it would replace. The general interests of amenity would be upheld. Account has been given to paragraph 132 of the NFFP and the recently adopted Policies BH1, and BH4 of the CS and Topic 12 of the adopted Development Control Supplementary Planning Guidance (SPG). Given that it is concluded the proposal would not harm amenity, the proposal does not conflict with these.

Highway Safety

12. The Council consider that drivers using the White House Road roundabout and exiting it to travel north along Hendon Road would be distracted by the proposal as a result of the change over the existing situation which would see the digital advert changing approximately every 10 seconds. However, given that the proposal would be located approximately 90 metres away from the roundabout in a predominately commercial and industrial setting, and that it would not interrupt the skyline, nor interrupt/interfere or be mistaken for a road traffic sign, it would unlikely cause a distraction to road users. Additionally, consideration has been given to the appellant's suggested conditions to control the illumination levels, frequency of the changes of the display and to prevent message sequencing or interactive messages and special effects, which would further ensure that the replacement advertisement display would not be confusing or distracting or be harmful to highway safety.
13. Accordingly, the proposal would not create a road safety hazard by way of distraction of road users. The aims of the Policy BH1, Policy BH4 and Policy ST3 of the CS and the SPG are complied with.

Conclusion and Conditions

14. Other than the five standard conditions set out in Schedule 2 of the 2007 Regulations, the Council has indicated that it would not wish to see any additional conditions imposed in the event that the appeal is allowed. However, I consider the proposed conditions suggested by the appellant which would ensure the sequential advertisements would not change more than once every 10 seconds and that sequencing of the same message would be prohibited; that the interval between

successive displays shall be 0.1 seconds or less; that the levels of illumination would accord with the LPG; and that a default mechanism shall be put in place should the advert freeze to be reasonable and necessary in order to protect the amenity and highway safety of the area.

15. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be allowed, and express consent is granted.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, the appeal is allowed.

Chris Preston

INSPECTOR