



Appeal Decision

Site visit made on 20 May 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/V2825/Z/20/3246034

96 Bridge Street, Northampton NN1 1PD

- 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 Northampton Borough Council.
 - The application Ref N/2019/1329, dated 15 October 2019, was refused by notice dated 12 December 2019.
 - The advertisement proposed is installation of illuminated D-Poster and ancillary vertical meadow.
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Decision

1. The appeal is allowed and express consent is granted for the display of the installation of illuminated D-Poster and ancillary vertical meadow 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 illumination of the advertisement hereby permitted shall be non-intermittent and not exceed a luminosity of 300 cd/sqm.
 - 2) The minimum display time for each advertisement shall be 10 seconds.
 - 3) The interval between successive displays shall be 0.1 seconds or less.
 - 4) The advertising display panel shall have a default mechanism to freeze an advertisement in the event of any malfunction.
 - 5) Prior to the installation of the advertisement and ancillary vertical meadow hereby permitted, a Maintenance Plan for the vertical meadow shall be submitted to and approved in writing by the local planning authority. The Maintenance Plan shall include details of the proposed planting and maintenance schedules for the vertical meadow, including details on the replacement of any plants which are removed, destroyed or die. Thereafter the installation and maintenance of the vertical meadow shall be undertaken in accordance with the approved Maintenance Plan.

Main Issue

2. The main issue is the effect of the proposed advertisement and ancillary vertical meadow on amenity, including the character and appearance of the immediate and wider area.

Reasons

3. The appeal site comprises a restaurant along a row of commercial premises. The flank elevation of the appeal property overlooks the busy intersection of Bridge Street and St Peter's Way and forms part of a wider predominantly commercial area. This includes the Carlsberg Brewery and a Kwik Fit car repair premises to the south. To the west is a large retail outlet, and to the east, the Plough Hotel. Therefore, the immediate area is dominated by highway infrastructure and commercial premises which incorporate various signage. The appeal site also lies approximately 100m to the south of the All Saints Conservation Area (ASCA), the significance of which is largely derived from the quality of its architecture.
4. The proposed 48-sheet digital advertising display would measure approximately 6m in width and 3m in height and would be positioned above a 'vertical meadow' of a similar size. The latter element would comprise a vertical plantation incorporating various wild flowering species. Due to their overall size and slender profiles, the proposed advertisement and vertical meadow would not appear unduly excessive on the sizeable flank wall of the host property.
5. Furthermore, the introduction of the advertisement and vertical meadow would add interest to this particular elevation, which is otherwise plain with the exception of a sign for the business. Due to its verdant nature the vertical meadow would also complement the nearby mature trees along St Peter's Way.
6. The proposed illumination of less than 300cd/sqm at night is the level advised by the Institute of Lighting Professionals for suburban and urban surroundings at night, which would be acceptable in this location, given the existing luminance associated with street lighting and adjoining commercial premises. The image changes would be at 10 second intervals. These would draw attention, such is their purpose, but would not give the advertisement any appreciable prominence particularly in a predominantly commercial and dynamic setting.
7. In views north along Bridge Street, the proposed advertisement and vertical meadow would be visible against the backdrop of the ASCA. Nevertheless, given the considerable degree of separation between the appeal site and the ASCA such views would be from a distant and limited. The nearest listed building to the appeal site is St Johns Roman Catholic Church which is Grade I Listed. This, however, is substantially screened in views from the appeal site by an intervening modern commercial building. As such, there would be no harm to the character or appearance of the conservation area or the setting of St Johns Roman Catholic Church.
8. For the above reasons, I conclude that proposed advertisement and ancillary vertical meadow would not harm amenity, including the character and appearance of the immediate and wider area. Therefore, the proposal accords with the aims of paragraph 132 of the National Planning Policy Framework (the Framework).

Conditions

9. I have had regard to the conditions suggested by the main parties and considered them against the tests in the Framework and the advice in the

Planning Practice Guidance and have made such amendments as necessary to comply with those documents.

10. In addition to the five standard conditions set out in the Regulations, I am also attaching a further condition (1) to limit the type and level of illuminance in the interests of amenity and public safety. I am also including three further conditions (2) (3) and (4) to avoid distraction in the interests of public safety.
11. Although the standard conditions include a requirement that an 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, this does not specifically refer to ancillary elements, such as the vertical meadow. Therefore, in the interests of the amenity of the area, and in the absence of any detailed information about the proposed planting and maintenance schedules for the vertical meadow, it is necessary to secure a Management Plan (Condition 5).
12. The appellant has suggested a condition prohibiting the sequencing of messages relating to the same product. In the absence of any clear reasoning for this, I am not persuaded that such a condition is necessary.

Conclusion

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

M Aqbal
INSPECTOR