
Appeal Decision

Site visit made on 17 June 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/J4525/Z/20/3245307

Unit 2, Trimdon Street, Sunderland SR4 6DW

- 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 L Knaggs of Wren Kitchens against the decision of Sunderland City Council.
 - The application Ref 19/01588/ADV, dated 19 September 2019, was refused by notice dated 27 November 2019.
 - The advertisement proposed is an internally illuminated digital display fascia.
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Decision

1. The appeal is allowed and express consent is granted for the display of an internally illuminated digital display fascia 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 Regulations¹, and the following additional condition:
 - 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 600 candela per sqm during daylight hours, and no greater than 300 candela per sqm during the hours of darkness.

Procedural Matters

2. I have taken the description of the advertisement from the Council's Decision Notice as this is more precise.
3. Since the original decision, the Council have adopted a new Core Strategy and Development Plan which replaces the 1998 Unitary Development Plan (UDP). In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material.

Background

4. Both parties confirm that a digital sign of the same size and siting has been approved at the appeal site. This previous application was approved in April 2019 and is therefore an extant consent. Both parties also agree that the only difference between the approved sign and the current proposal is that a condition imposed on the previous consent requires that the display would not change more than once every 10 seconds, whereas the appeal proposal would contain images that change more than once every 10 seconds.

¹ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Main Issues

5. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

6. The appeal site is located within a purpose-built retail park on the edge of Sunderland City Centre. There is a large car park to the front of the premises which fronts onto Trimdon Street, a relatively busy road that leads to the City Centre. There are large advertisements to the other retail units in the area which appear to consist of internally illuminated signs with static images. The proposed advertisement would be sited above the main entrance to the premises, spanning the full width of the entrance area. The sign would be illuminated and include animated content.
7. In relation to the background to the appeal, there would appear to be a reasonable prospect of the previous consent being implemented if the appeal is dismissed. Therefore, I give the fallback position considerable weight in the appeal.
8. The Council consider that the advertisement by reason of its size, scale and siting would not cause harm to amenity and that the level of illumination would not harm the living conditions of any nearby residents. I have no reason to disagree, particularly when considering the fallback position referred to above.
9. Given the context of the appeal site in a retail park, combined with the fallback position, I do not consider that the fact the images would now change more than once every 10 seconds results in the proposal having an unacceptable impact on amenity. Due to its size and siting, it would not appear harmfully conspicuous or incongruous. Such displays are not out of keeping in locations such as the appeal site. Furthermore, the proposed sign would be set above the large main fascia sign and would therefore not be viewed in isolation on the building.
10. I therefore conclude that the proposed advertisement would not have a harmful effect upon amenity. It would comply with Policies BH1 and BH4 of the Sunderland Core Strategy & Development Plan 2015-2033 (2020) which require, amongst other things, that development is of high quality and that advertisements be well designed and sympathetic to the character and appearance of their location and the building to which they relate, having regard to matters such as size, level of illumination; and that for illuminated advertisements, they do not adversely affect the amenity of the surrounding area.
11. The proposed advertisement would also comply with the guidance contained in the National Planning Policy Framework (2019) (the Framework) which outlines that quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of, amongst other things, amenity.

Public safety

12. As outlined, the premises to which the sign relates fronts onto a relatively busy road leading to the City Centre and is set back from the highway with a car park occupying the intervening land. The sign would not be in the direct line of sight of any road users on Trimdon Street nor would it cause any obstruction or distraction from any junctions or traffic signals.
13. I have had regard to the location of the proposed sign, its overall size, the location of the unit in relation to the highway and the level of illuminated signage in the immediate area. In combination, these factors would ensure that the signage would not be so prominent or noticeable to cause a harmful distraction to drivers on Trimdon Street.
14. In this instance, given the size and siting of the sign, combined with the fallback position, I do not consider that the fact the images would now change more than once every 10 seconds results in the proposal having an unacceptable impact on highway safety.
15. I therefore conclude that the proposed advertisement would not have a harmful effect upon public safety. It would comply with Policies BH4 and ST3 of the Sunderland Core Strategy & Development Plan 2015-2033 (2020) which require, amongst other things, that development should not increase the risk of accidents or endanger the safety of road users, and that for illuminated advertisements and signs they do not adversely affect the safety of the surrounding area.
16. The proposed advertisement would also comply with the guidance contained in the Framework which outlines that advertisements should be subject to control only in the interests of, amongst other things, public safety.

Conditions

17. The Council do not consider that any conditions other than the five standard conditions set out in Schedule 2 of the Regulations should be imposed in the event that the appeal is allowed and express consent as applied for is granted.
18. In addition to the standard five conditions, I consider it is necessary to impose a condition restricting the illuminance of the sign during daytime to no more than 600 candela per sqm during daylight hours, and no greater than 300 candela during the hours of darkness, as outlined in the appellant's statement. This is in the interests of amenity.

Conclusion

19. For the reasons given above I conclude that the display of the internally illuminated digital display fascia sign would not cause harm to the amenity of the area or public safety. The appeal is therefore allowed.

A M Nilsson

INSPECTOR