



Appeal Decision

Site visit made on 1 September 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 15th September 2020

Appeal Ref: APP/V2825/Z/20/3252801

Unit 4B, 113 St James Mill Road East, Northampton NN1 1ET

- 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 against the decision of Northampton Borough Council.
 - The application Ref N/2020/0160, dated 10 February 2020, was refused by notice dated 7 April 2020.
 - The advertisement proposed is a fascia sign consisting of a surface mounted diode LED display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the fascia sign consisting of a surface mounted diode LED Display 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 intensity of the illumination of the sign permitted by this consent shall be no greater than 600 cd/m².
 - 2) There shall be no scrolling effects (including noise, animation, flashing, intermittent illumination, scrolling or video elements) of any kind during the time that any advertisement is displayed.
 - 3) When a display succeeds a previous display the complete screen shall change and between successive displays there shall be no visual effects, such as swiping, or other animated transition methods.

Main Issue

2. The main issue in this appeal is the effect of the proposal on public safety on the highway.

Reasons

3. The appeal building is a unit on a retail park. In keeping with units on both sides unit 4b has a particularly tall fascia. The majority of the height of the fascia would be occupied by a large 10 metre (m) wide rectangular sign. The LED display that is the subject of this appeal would be the same width as this sign, measure 0.72m in height and would be located beneath it.

4. Planning Practice Guidance¹ identifies that advertisements in locations where drivers need to take care are more likely to affect public safety. For highway users joining St. James Mill Road East from the roundabout with Towcester Road, the proposed sign would almost immediately, if briefly, be in the centre of the field of vision. This would occur just before the start of the filter lane for traffic waiting to turn right into the retail park. After this point the trees within the retail park start to screen the sign and progress along the road moves it out of direct view.
5. Given that at busy times queues can form for vehicles waiting to enter retail parks, standing traffic could be encountered on the approach from the roundabout to the retail park filter lane. As a result, despite the significant separation distance at this point between St. James Mill Road East and the proposed sign, I find that it would be readily visible in a location where drivers need to take more care than normal.
6. Although the sign would not be as large as many of the signs on the retail park visible to highway users Planning Practice Guidance² also advises that, amongst other characteristics, adverts that are illuminated and have moving images may distract and cause danger to road users. In my judgement, given that the proposed sign would be prominent at a point where drivers need to take more care, without restrictions the sign's display would be too distracting and public safety would be put at risk.
7. Reference has been made to a number of predominantly overseas studies that did not find that LED displays or animated content posed a risk to public safety on the roads. However, for the site specific reasons that I have given, which are based upon national guidance mentioned above, I find that without restrictions on its brightness and operation this would not be the case for the proposed advert.
8. For these reasons, I therefore conclude that subject to appropriate conditions, the proposed sign would not distract the attention of a road user travelling along the road or filtering right into the retail park to the extent that public safety would be harmed. In reaching this conclusion, I have taken into account that there are plans to link the road to the rest of St. James Mill Road which would significantly increase the amount of traffic along it.
9. In addition to the five standard conditions, in the interests of public safety, control needs to be exerted by condition over the intensity of illumination as well as scrolling and transition effects to prevent the sign distracting highway users. The Council suggested that it should be required that the interval between successive displays should be instantaneous. However, if the difference in the brightness or colour of successive adverts is too great this could be distracting. As a result, I have not included this requirement.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Ian Radcliffe Inspector

¹ Paragraph:067 Reference ID: 18b-067-20140306

² Paragraph:068 Reference ID: 18b-068-20140306