



Appeal Decision

Site visit made on 3 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/N1160/H/20/3250458

Wren Kitchens, Unit 2 Plymouth Gate Retail Park, Plymouth PL6 8LT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr Knaggs against the decision of Plymouth City Council.
 - The application Ref 19/02040/ADV is dated 16 December 2019.
 - The condition in dispute is No 10 which states that: *"No individual advertisement on the digital screen will contain moving images, animation (including text animation), intermittent or full motion video images, or any images that resemble road signs or traffic signals."*
 - The reasons given for the condition is: *"To ensure that the advertisement display would not be so distracting or confusing that it creates a hazard for, or endangers, people who are taking reasonable care for their own, and others', safety, including drivers, in accordance with paragraphs 5.2.4 and 5.2.5 of Section 5 of the adopted Local Development Framework for Plymouth Development Guidelines Supplementary Planning Document First Review (2013), Policies DEV1, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Sections 9 and 12 of the National Planning Policy Framework 2019."*
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Decision

1. The appeal is allowed and advertisement consent Ref 19/02040/ADV for the display of 2x surface mount diode LED digital displays at Wren Kitchens, Unit 2 Plymouth Gate Retail Park, Plymouth, PL6 8LT, is varied by deleting Condition No 10.

Main Issue

2. The main issue is whether the condition is necessary or reasonable in the interests of public safety.

Reasons

3. Regulation 14(1) of the Regulations gives the local planning authority the power to grant express consent subject to the standard conditions and, subject to Regulation 14(7), to such additional conditions as it thinks fit. Regulation 16(2) states that the local planning authority shall state in writing its reasons for the imposition of any condition under regulation 14(1) other than a standard condition.
4. The condition in this instance limits the displays to show only static images and text which change with an uninterrupted transmission (as required by Condition No 11) to prevent any driver distraction.

5. The appeal building faces in a south-easterly direction and the adverts would be affixed to the front elevation. A large car park and frontage space separates the building from the Plymouth Road. Due to the direction of the traffic flow on the Plymouth Road, and the curvature of the road away from the signage, the front elevation of the building does not appear in the field of view of any drivers unless they deliberately turn their head over to the left, looking out beyond any passengers or over the rear left windows. This is an unlikely scenario that would render the displays distracting for any meaningful duration.
6. Although drivers on the Plymouth Road travelling towards the roundabout from the Plympton direction see the appeal building and neighbouring retail buildings in their peripheral vision, the distance between the displays and the driver position across the car park and the opposite carriageway is in excess of 100 metres. At this distance, it is likely that only the largest text or images will be capable of being interpreted from this driver position. The degree of difficulty presented to drivers, looking deliberately to the right instead of towards the road, will be off-putting and attention would not be diverted from the road for any meaningful duration.
7. The distance in excess of approximately 120 metres between the A38 carriageway travelling northwest and elevated position in relation to the building would prevent the displays being a distraction to drivers travelling in that direction. The building is orientated away from drivers on the closer, southeast bound carriageway.
8. The likelihood of distraction within the car park area is unlikely given that driver focus is likely to be on the availability of parking spaces and pedestrian movements between cars and footways in this area. Although drivers are closer to the displays, traffic speeds in the car park are significantly lower than on the surrounding road network, reducing the degree of risk to public safety.
9. Furthermore, due to its placement on the face of the building, orientated towards the car park and high above the eyeline of drivers, in the context of a row of unmistakable shop fronts, there is little potential that any the adverts displayed will resemble or be mistaken for road signs or traffic signals by drivers located anywhere within the car park or on the surrounding road network.
10. Whilst such a condition may be reasonable where such displays would be closer to a road junction, or where numerous similar signs existed with increased competition for driver attention, it is not in the context of the proposal for two digital displays on a single shopfront within a retail park, orientated away from the closest roads. The use of moving text or images on the proposed displays would not increase any risks to public safety and the condition is therefore unnecessary.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed. As such, Condition No 10 of 19/02040/ADV is deleted.

Hollie Nicholls

INSPECTOR