
Appeal Decision

Site visit made on 14 September 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/W1715/Z/20/3250588

Eastleigh Service Station, 109 Southampton Road, Eastleigh SO50 5QT

- 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 Dwayne Neufville against the decision of Eastleigh Borough Council.
 - The application Ref A/20/87493, dated 27 February 2020, was refused by notice dated 6 April 2020.
 - The advertisement proposed is free standing digital advertising board.
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Decision

1. The appeal is allowed and express consent is granted for the display of the free standing digital advertising board as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Main Issue

2. The Regulations make clear that advertisements should be subject to control only in the interests of amenity and public safety. The Council raises no objection on safety grounds and I have no reason to take a different view. The main issue is the effect of the proposed advertisement on amenity.

Reasons

3. The proposed digital advertising board would replace a free-standing non-illuminated 48 sheet billboard on the southern boundary of Eastleigh Service Station, directly adjacent to its car wash. The planning history does not give any clues as to when the billboard was erected. However, aerial photography suggests that it has been in situ for at least 10 years. The Council raises no concerns regarding the advertisement and has given no indication that it would serve a discontinuance notice in the event of this appeal being dismissed. The evidence suggests that the billboard is a long-established and accepted part of the built environment.
4. Southampton Road is a busy thoroughfare linking Eastleigh town centre with the M27 motorway and Southampton Airport. Much of the eastern side of the road towards the airport end comprises vegetation which screens a railway line and airport operations. Moving back towards Eastleigh, the appeal site marks the point at which the character becomes more urban. The service station is flanked by a vehicle repair garage on the one side and a car sales forecourt on the other. This small cluster of commercial uses displays a plethora of advertisements,

including a pylon sign for the petrol forecourt, banners and flags associated with the car sales activity and a miscellany of building signage. The south facing billboard is viewed in this context on the approach to the town centre.

5. The proposed digital display would be of similar size and mounted in the same orientation and position as the existing billboard. It would be visible to northbound road users against the backdrop of the service station with car sales in the foreground. When seen against those vibrant commercial uses, it would not appear unduly prominent or out of character – bearing in mind that large format advertising is already an established part of the street scene.
6. The proposed LED display would have a different appearance to a traditional poster display and unlike the existing billboard its content would be illuminated during the hours of darkness. However, this is a built-up area with street lighting and other lighting associated with the service station and car sales uses. Luminance would be limited to 300 cd/m² which accords with the standards set out in relevant guidance¹. Conditions could be used to prevent the display of video and special effects, and to control the frequency with which the static images change. The appellant is happy to restrict the use of the digital advertising board to between 0600 and 2300 hours. Taken together, these measures would be sufficient to ensure that the digital display is not unduly bright or otherwise harmful to the character and appearance of the area.
7. The Council has drawn my attention to Saved Policy 67.BE of the Eastleigh Borough Local Plan Review 2001-2011 which it considers to be relevant to this appeal. Whilst not decisive, I have had regard to this policy as a material consideration. I have also taken account of emerging policy, but since it has not yet completed examination the weight given to this is limited.
8. Accordingly, I conclude that the proposed advertisement would not cause undue harm to amenity. Subject to the imposition of appropriate conditions, a grant of express consent is justified.

Conclusion

9. For the above reasons, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR

¹ ILP Professional Lighting Guide PLG 05:2014 "The Brightness of Illuminated Advertisements"

SCHEDULE OF CONDITIONS

- 1) Express consent is granted for a period of 5 years from the date hereof.
- 2) Illumination of the digital advertising board shall be a maximum of 300 cd/m² at all times. The display shall be switched off between the hours of 2300 and 0600.
- 3) The images on the digital advertising board shall be static and they shall not change more than once every 5 seconds. There shall be no special effects (including animation, flashing, scrolling, intermittent or video effects) of any kind before, during or after the display of any advertisement, including in the transition between static images.

The Standard Conditions

- 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 5) No advertisement shall be sited or displayed so as to—
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 6) Any 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.
- 7) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 8) Where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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