
Appeal Decision

Site visit made on 5 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020.

Appeal Ref: APP/B5480/Z/20/3253357

Saffron House, 273 South Street, Romford RM1 2BE

- The appeal is made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK against the decision of the Council of the London Borough of Havering.
 - The application Ref A0048.19, dated 11 October 2019, was refused by notice dated 3 April 2020.
 - The advertisement proposed is the upgrade of existing advertising sign to digital LED design.
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing advertising sign to digital LED design, 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 additional conditions, as set out in the attached schedule.

Preliminary Matters

2. For clarity, I have used the address of the appeal site as shown on the decision notice and appeal form instead of the grid reference on the application form.
3. During the determination of the application, the council changed the description of the proposal and I have used that description, for precision.

Main Issue

4. The main issue is the effect of the proposal on amenity.

Reasons

5. The appeal site is located at the roundabout junction of South Street and Brentwood Road. The existing non-digital sign, which benefits from deemed consent, is fixed to the gable wall of a commercial premises known as Saffron House. South Street is moderately trafficked and leads to the A1251 and A125, which are radial routes around Romford town centre.
6. The area is a mixture of residential with some commercial uses, where there is residential development along the western side of South Street and to the north of the appeal site. There are also some residential properties further

along Brentwood Road. Immediately opposite the appeal site, to the south, is a public house called The Oak.

7. The appeal site currently has a 'poster and paste' display measuring approximately 6m by 3m, illuminated via a projecting single directional light source. The immediate area is well lit with a number of street lights located around the junction.
8. I note that Paragraph 132 of the Framework states that '*The 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 amenity and public safety, taking account of cumulative impacts*'.
9. Further, policy DC65 (Advertisements) of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008) (DCP) seeks to control how fascia signs and projecting signs, large advertising hoardings, freestanding illuminated adverts and smaller poster panels fit within their respective settings, with the emphasis on ensuring that the character and appearance of an area is protected.
10. The new advertisement would, in my view, attract more attention as a backlit LED screen, so it is necessary to consider this in light of potential harm to amenity. I am satisfied that the proposals would be 'like for like' in scale, with the additional smaller logo box being of a scale that would not be harmful to the amenity of the area through excessive advertising 'clutter'.
11. The automatically dimming feature of the digital screen would, in my view, ensure that any harm to amenity would be minimal. I also consider that as the display would not be animated or moving this would also mitigate harm to amenity.
12. I consider that in light of the existing display and the existing well-lit nature of the immediate surroundings of the appeal site that subject to conditions, the proposals would not offend policy DC65 of the DCP, nor the relevant parts of the Framework.

Other Matters

13. Whilst I note that local residents were consulted during the determination of the application and no representations were received by the Council, I have still given careful consideration to the impact of the proposals on neighbouring residential occupiers, given their proximity to the appeal site.
14. At the site visit, I observed that some residents would be able to see the new display from their properties. However, I consider that those occupiers would be sufficiently distant from it, and that it would not be harmful to their amenity subject to the conditions I have set out.
15. Further, the appellant notes in their statement that The Oak public house benefits from planning permission for redevelopment to 9 dwellings. However, details of these proposals are not before me and I have made my decision primarily on the basis that The Oak continues to operate as a public house for the time being. That said, I have imposed a condition limiting the express consent in line with the requested advertisement period in the appellants application form.

Conditions

16. In addition to the 5 standard conditions set out in the Regulations, I attach conditions for the following reasons:
17. I have also included a condition (1) to restrict the express consent to 5 years, including written notice of commencement to be provided and to secure removal after expiry of the express consent. This is because The Oak public house may be redeveloped for residential use potentially changing the impact of the advertisement display in the future. A plans condition is included for the purposes of certainty (2).
18. Further conditions limiting the intensity of the display (3) and requiring that the display be turned off completely between 0000hrs and 0500hrs (4) are imposed in order to protect local amenity.
19. The condition precluding moving images (5) and restricting changes of display (6) to no more frequent than every 10 seconds and ensuring a black screen if the display malfunctions (7), are also imposed in the interest of amenity and public safety.

Conclusions

20. For the above reasons, having regard to all other matters and subject to the conditions I have set out, the appeal is allowed.

Sian Griffiths

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The express advertisement consent hereby granted is limited to a period of 5 years starting on the date of the commencement of the display of advertisements. Written notice shall be given to the Council of the date of commencement of the display of the advertisements within 7 working days of that commencement.
- 2) The advertisement unit hereby granted consent shall not be used to display advertisements until the removal of the existing advertisement has taken place, in accordance with the following plans: 0116_0131 PA 01; 0116_0131 PA 02; 0116_0131 PA 06; 0116_0131 PA 04; 0116_0131 PA 05; 0116_0131 PA 03.
- 3) The intensity of the illumination of the advertising unit and display permitted by this consent shall be no greater than 200cd/sq.m during hours of darkness (the hours between local sunset and local sunrise) and the panel shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels.
- 4) The display shall be turned off completely between 0000hrs and 0500hrs.
- 5) The minimum display time for each advertisement shall be 10 seconds and there shall be no moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs of any kind before, during or after the display of any advertisement.
- 6) The interval between the display of each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.
- 7) The advertising display panel shall have a default mechanism to freeze to a black screen in the event of any malfunction to avoid any flashing error messages or pixilation.