



## Appeal Decision

Site visit made on 8 March 2021

**by Andrew Bremford BSc (Hons) MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 March 2021**

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**Appeal Ref: APP/B1740/Z/20/3263481**

**Land at 98 Commercial Road, Totton SO40 3AG**

- 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 Alight Media against the decision of New Forest District Council.
  - The application Ref 20/11018, dated 15 September 2020, was refused by notice dated 17 November 2020.
  - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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### Decision

1. The appeal is allowed and express consent is granted for the display of a new single illuminated 48-sheet digital advertisement display as applied for unless otherwise varied by the conditions below. 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 advertisement permitted by this consent shall be no greater than 300 candela per square metre between the hours of sunset and sunrise and shall not exceed 600 candela per square metre at all other times. The advertisement shall be equipped with sensors which shall constantly monitor ambient light conditions and adjust brightness accordingly.
  - 2) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed.
  - 3) No single advertisement shall be displayed for less than 10 seconds and successive images shall not be changed more frequently than once every 10 seconds.
  - 4) Controls shall be in place to ensure the smooth, uninterrupted transition of images displayed. The interval between successive static images shall be 0.1 seconds or less.
  - 5) The display installation permitted by this consent shall at all times maintain a safety feature that will turn the screen off (i.e. default to a plain, black screen) in the event that the display experiences a malfunction or error.

## **Procedural Matters**

2. I have taken the appeal site address from the Council's refusal notice and the appellant's appeal form as this is more precise than the address given on the planning application form.
3. The Council has drawn my attention to Policy ENV3 of its Local Plan 2016-2036 Part One: Planning Strategy (2020) (LP), which it considers to be relevant to this appeal and I have taken it into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policy has not therefore, by itself, been decisive.

## **Main Issue**

4. The main issue is the effect of the proposed advertisement on the amenity of the area.

## **Reasons**

5. The appeal site lies on a busy well-lit main road through the centre of Totton and the proposed advertisement would be positioned within the forecourt of a vehicle repair business. There are houses in the area, including adjacent to the site and behind the vehicle repair business along Mill Road. However, the area is predominantly commercial in character, with Totton Retail Park and its retail outlets to the west of the site and other commercial premises, including a vehicle repair and sales business and an electrical wholesaler, to the east within the Mill House Centre. There is also a fast food restaurant and take-away business further to the east on the north side of Commercial Road.
6. There are a variety of business advertising signs associated with these and other commercial premises in the vicinity of the appeal site along this section of Commercial Road. They are generally free-standing tall pole or totem signs, some of which are comparable in overall height to the proposed advertisement and some are illuminated. The nearby retail outlets each have their own large fascia signs and the vehicle repair business in proximity to the proposal has fascia signage across the full width of the premises. On the north side of Commercial Road, to the east of the site opposite a vehicle repair and sales business, there are six 48-sheet advertisement panels arranged in a zig-zag formation. Furthermore, the Totton Retail Park car park has site lighting and the forecourt, within which the proposed advertisement would be located, is lit by spotlights.
7. Thus, the proposed single illuminated 48-sheet digital advertisement display, which would present a range of static images that would change every 10 seconds, would be sited within a busy, well-lit, mainly commercial area where there is a significant amount of signage, some of which is illuminated, and similarly sized advertisement panels.
8. Within this context and considering that digital display panels of the size proposed are becoming more commonplace within the urban environment, the proposed advertisement would not appear as an alien or unexpected feature. Furthermore, as there are already numerous signs and advertisement panels in the vicinity of the site, one additional advertisement display would not result in a materially more cluttered streetscene than exists at present, especially given

that it would only be visible from one direction in views along Commercial Road.

9. The proposed advertisement display would be comparable in size to just one of the existing six 48-sheet advertisement panels further to the east of the site and would be positioned a similar distance from the highway to most other signs and advertisement panels along this section of Commercial Road. Moreover, in terms of size, it would not appear significantly out of proportion in relation to that of the side elevation of the house at No 100 Commercial Road or the built form of the surrounding commercial premises.
10. The digital advertisement display would be mounted on a single steel monopole and would comprise a pressed metal and reinforced plastic frame which would enclose the digital display. Within the context of the surrounding built form, which varies significantly in terms of materials and architectural character, I find no harm with the overall design of the proposal.
11. For the above reasons, even though it would be illuminated, the proposed advertisement would not be a visually imposing or unduly prominent feature in the streetscene. Consequently, it would not adversely affect the visual amenity of the area.
12. I can therefore find no conflict with Policy ENV3 of the LP which seeks to protect amenity. Furthermore, I find that the proposal is compliant with paragraph 132 of the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

## **Conditions**

13. In addition to the five standard conditions set out in the Regulations, the parties have suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance, revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point but have attached conditions more consistent in their necessity and form with the relevant advice.
14. The additional suggested conditions relate to the level of illumination and the nature of the advertisements in the interests of visual amenity and highway safety. As the advertisement would be adjacent to a main thoroughfare, they are pertinent, and I consider that it is reasonable and necessary to impose conditions to that effect generally along the lines proposed by the parties to minimise any potential distraction to those using the highway.
15. The Council has suggested a plans condition. However, this is not necessary as my decision grants express consent, not planning permission. A plans condition is meant to facilitate applications under s73 for minor material amendments to a planning permission and so is not relevant when granting express consent for the display of an advertisement.
16. The appellant has suggested a condition that would prohibit the sequencing of messages relating to the same product. The sequencing of the same advertisement would not cause harm to public safety nor would it harm the amenity of the area. As such the suggested condition is not necessary and I have not included it.

17. The appellant has requested a period of ten years on the application form on grounds of the cost of digital panels and installation costs. However, in this regard, no substantive evidence has been offered as to why the standard five years is not appropriate and as a consequence, I see no reason, in this case, to depart from the standard timeframe.

**Conclusion**

18. For the reasons set out above, I conclude that the appeal should be allowed.

*Andrew Bremford*

INSPECTOR