



Appeal Decision

Site Visit made on 29 June 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2021

Appeal Ref: APP/X3405/H/21/3272717

101-103 Hednesford Road, Heath Hayes, Cannock WS12 3HL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, (the Regulations), against conditions imposed when granting express consent.
 - The appeal is made by Clear Channel UK Ltd against the decision of Cannock Chase District Council.
 - The application Ref CH/21/0039, dated 20 January 2021, was approved on 22 March 2021 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is described as: Replace 6mx3m display with LED illuminated 6mx3m D-Poster display.
 - The condition in dispute is No. 3 which states that: The degree of brightness of the advertisement shall not exceed 300 candelas per metre squared.
 - The reason given for the condition is: To ensure the brightness of the advertisement does not have an adverse effect on the amenities of the area and to avoid distraction and confusion to drivers on the adjoining highway.
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Decision

1. The appeal is allowed, and express consent is granted to replace 6mx3m display with LED illuminated 6mx3m D-Poster display, with condition No. 3 on approved application Ref CH/21/0039 varied. The consent is for five years from the date of this decision. It is subject to the five standard conditions set out in the Regulations and the following 2 additional conditions:
 - 1) The maximum level of luminance of the sign hereby granted consent shall at no time exceed 2000 candela/sqm. Additionally, when the public streetlights are on, or darkness has descended (whichever occurs first) the luminance level shall be limited to 300 candela/sqm. The sign shall be equipped with a dimmer control and a photo cell that constantly monitors ambient light conditions and adjusts the luminance level of the sign accordingly.
 - 2) The sign hereby granted express consent shall not be illuminated between the hours of 2300 to 0700 on any day.

Procedural Matter

2. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that there is a separate consent process to control the display of advertisements¹. The Framework, the Regulations, and the Planning Practice

¹ They are regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Guidance (PPG) all make it clear that advertisements are controlled with reference only to their effect on amenity and public safety². The provisions of the development plan, and any other relevant factors, can be considered, so far as they are material³. I have assessed the proposal in accordance with the Regulations.

Main Issues

3. The main issues are the effect of the proposed advertisement on the visual amenity of the area and public safety, should the condition be removed or varied.

Reasons

4. The proposed advertisement sign would be affixed to the side of a building that fronts Hednesford Road. The sign would face a side road which serves a small number of industrial units and a public car parking area. Hednesford road cuts through a built-up area comprising a mix of land uses including shops, restaurants, take-aways, hair and beauty salons, public houses, light industrial units, and dwellings.
5. The sign would be highly visible to pedestrians and drivers travelling from the north-west of Hednesford Road in a south-easterly direction. As such, the level and hours of illumination could potentially be harmful to the character and appearance of the area and public safety.
6. I agree with the parties that varying the condition to provide different levels of luminance suitable for different times of the day, taking account of guidance provided by the Institute of Lighting Professionals, would ensure the proposed advertisement had an acceptable effect on the visual amenity of the area whilst also ensuring public safety. As such, I consider that express consent can be granted with the disputed condition suitably varied.

Conditions

7. The consent is granted subject to the five standard conditions set out in the Regulations. I have attached 2 non-standard conditions relating to luminance levels and hours of illumination, taking account of the suggested condition and the relevant conditions tests, in the interests of the visual amenity of the area and public safety.

Conclusion

8. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

² Paragraph 132 of the Framework; Paragraph:001 Reference ID: 18b-001-20140306 of the PPG and section 3(1) of the Regulations.

³ Section 3(1)(a) and (b) of the Regulations.