

Appeal Decision

Site visit made on 14 June 2021

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021.

Appeal Ref: APP/Z5060/H/20/3261602

Land fronting 721 Ripple Road, London IG11 0SN

- 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 B Porte of Clear Channel UK against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/00074/ADV, dated 23 January 2020, for the Installation of 2no internally illuminated 48-sheet digital displays was granted by notice dated 12 October 2020.
 - The condition in dispute is No. 1 which state that: The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. The reasons given for the condition is: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
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Decision

1. The appeal is allowed and the advertisement consent Ref 20/00074/ADV for Installation of 2no internally illuminated 48-sheet digital displays at Land fronting 721 Ripple Road, London IG11 0SN granted on 12 October 2020 by the Council of the London Borough of Barking and Dagenham is varied by deleting condition 1. This decision is subject to the five standard conditions set out in the Regulations and the following previously imposed conditions:
 - 1) The development shall be carried out in accordance with the approved plans: Cover Letter dated 23.01.2020; Site Plan dated 17.01.2020; Proposed View westbound dated 17.01.2020; Proposed Elevation dated 17.01.2020; Proposed View eastbound dated 17.01.2020; Standard Specifications dated 17.01.2020; and Location Plan dated 17.01.2020.
 - 2) The maximum luminance of the advertisement sign shall not be greater than 600Cdm² during the hours of darkness and shall not exceed the levels recommended in The Institute of Lighting Professionals technical guidance note PLG05 "The brightness of illuminated advertisements" 2015 or in any document amending or superseding that report.
 - 3) Due to the advertisements close proximity to the A13 carriageway and the intent to capture the attention of motorists, the advertisements shall comply with the following:
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1. No special visual effects of any kind are permitted during the time that any message is displayed. The displayed image must not include animated, flashing, scrolling, intermittent or video elements.
 2. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.
 3. The frequency of the images must not be more often than 1 image change per every 10 seconds.
 4. The sequencing of messages relating to the same product is prohibited.
 5. The intensity of the luminance of the advertisement shall be no greater than 600Cdm² during hours of darkness.
 6. The sign must be in conformity with the latest guidance note from the Institute of Lighting Engineers.
- 4) Prior to installation of the advertisement sign a Construction, Maintenance and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan must include specific arrangements to ensure that the footway and carriageway on the A13 is not blocked during the construction and maintenance of the proposal. Temporary obstruction during the installation is kept to a minimum and should not encroach on the clear space needed to maintain the flow of traffic. No servicing vehicles associated with the proposed signs shall park/load/unload on the footway/ carriageway of the A13 at any time.

Main Issue

2. The main issue is whether condition 1 meets the tests of the National Planning Policy Framework.

Reasons

3. The Council have imposed condition 1 that states 'The development hereby permitted shall be commenced before the expiration of three years from the date of this permission'. The reason for the condition is 'To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)'. The reason refers to the duration of permissions and consents relevant to planning permissions and listed building consents. This is not relevant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The condition is not therefore relevant or necessary. It does not satisfy the requirements of paragraph 55 of the National Planning Policy Framework.
4. As the condition is not necessary, I have deleted it. The consent is subject to a number of further conditions. I have received no correspondence with regard to these and there is nothing before me that suggests that these were not properly imposed for the reasons set out in the decision notice. I have therefore included them in the new decision along with the standard conditions required by the Regulations. I therefore allow the appeal.

Peter Eggleton

INSPECTOR