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# Appeal Decision

Site Visit made on 7 September 2021

**by G Pannell BSc (Hons) MA MRTPI**

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

**Decision date:**

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**Appeal Ref: APP/A1530/Z/21/3270360**

**Land at Block A, Oyster Park, Greenstead Road, Colchester, CO1 2SJ**

- 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 Colchester Borough Council.
  - The application Ref 202887, dated 22 December 2020, was refused by notice dated 3 March 2021.
  - The advertisement proposed is new single illuminated 48-sheet digital advertisement display (6m x 3m).
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## Decision

1. The appeal is allowed and express consent is granted for the display of the new single illuminated 48-sheet digital advertisement display (6m x 3m) 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 the following additional conditions:
  - 1) The sign permitted by this consent shall only be illuminated during the hours of 0500 – 2400.
  - 2) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candela/m<sup>2</sup>.
  - 3) The advertising screen shall not display any moving, or apparently moving images, or sequencing of images over more than one advert.
  - 4) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.

## Main Issue

2. The main issue is the effect of the signs on the visual amenity of the area.

## Reasons

3. The site lies on Greenstead Road, within the small commercial development of Oyster Park. The area is characterised by a mix of commercial and residential uses, with the dwellings located on the opposite side of the road. Further along Greenstead Road are a number of illuminated poster signs and within the wider area is signage associated with the nearby Tesco Superstore. There is, therefore, a significant amount of signage in the area, some of which is illuminated.

4. The proposed digital panel would be located to the rear of an existing panel and would not directly front Greenstead Road. Signs of this size and design do not seem to me to be unusual in the context of the commercial setting of Oyster Park and consequently, the proposed signage would not appear as an unacceptably strident or prominent feature in the streetscene.
5. The proposed digital advertisement would be internally illuminated. However, this appears to be reasonably restrained and would be acceptable, particularly given that there are other illuminated signs in the area. Overall, the proposed signage does not strike me as being excessive and would not appear out of place in relation to its surroundings. Furthermore, its physical separation from, and orientation compared with, the other signs would help avoid any unacceptable cumulative effect.
6. The Council is concerned that the proposed advertisement would be visually intrusive to occupiers of the residential development on the opposite side of the road. However, the illuminated display of the proposed sign would be angled away from those buildings. In addition, during daylight the panels luminance would be controlled by sensors to adjust automatically to the level of natural light and would be turned off from midnight to 0500 hours and this could be controlled by condition.
7. Consequently, given also the separation distance and the intervening road, the proposed advertisement would not be visually intrusive when viewed from those residential properties. Therefore, there is no evidence to indicate that what is proposed would cause highway safety or amenity problems for neighbours.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Of particular relevance to the appeal proposal, Policy DP1 of the Colchester Borough Council Local Development Framework Development Policies 2010 (DP) which requires developments to respect and enhance the character of the site and Policy UR2 of the Colchester Borough Council Local Development Framework Core Strategy 2008 (CS) which seeks to ensure high quality design.
9. I am satisfied that the proposed advertisement would not stand out as incongruous, over-dominant or an unduly prominent feature in relation to the street scene. Accordingly, I am satisfied that there would not be any unacceptable cumulative effect or any significant harm to the visual amenity of the area.

### **Conditions**

10. The appellant has suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. I have considered them having regard to the tests set out in Paragraph 56 of the Framework. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. Such conditions are necessary to make the proposal acceptable.

11. Applications for express consent are granted for a period of five years, as stated in the decision above, after which time the advertisement would benefit from deemed consent under the terms of the Advertisement Regulations. After such time the Council would be free to consider serving a discontinuance notice in the event that the advertisement was causing harm to amenity or was a danger to the public. However, there is nothing to indicate that the advert will degrade to such an extent or that it would automatically cause harm after the 5 year period. Accordingly, the suggestion that the sign should be permitted for 10 years is not necessary to make the proposal acceptable.
12. The appellant has indicated that the display panel will be fitted with a light sensor in order to adjust the brightness of the digital screen when ambient light levels change, and the display can be managed remotely, including any need for the screen to default to black should any malfunction occur and I find it would not be necessary to attach the suggested conditions relating to these matters. The conditions relating to light levels, sequencing and the prevention of moving images are sufficient to avoid harm to amenity or highway safety.

### **Conclusion**

13. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

*G Pannell*

INSPECTOR