



Appeal Decision

Site Visit made on 11 October 2021 by B Phillips BSc MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/U1620/Z/21/3278510

The Laundry Lounge, 52 Bristol Road, Gloucester, GL1 5SD

- 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 Replyshort Limited against the decision of Gloucester City Council.
 - The application Ref 21/00185/ADV, dated 15 February 2021, was refused by notice dated 4 June 2021.
 - The advertisement proposed is digital 6m x 3m screen. Digital screen on gable wall.
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Decision

1. The appeal is allowed and express consent is granted for the digital 6m x 3m screen 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 digital advertising display units permitted by this consent shall display static images only and not animated, scrolling, intermittent or flashing images, or directions to drivers at any time. The rate of change between successive images shall be no greater than 1 second with no swiping or other animated transition methods between successive images. The display time for each image shall be no less than 10 seconds.
 - 2) The intensity of the illumination of the digital advertising display units permitted by this consent shall be no greater than 300 cd/m².

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in this case are the effect of the proposed advertisement on the visual amenity of the area and public safety.

Reasons for the Recommendation

4. The Regulations, National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of public safety and amenity.

Visual Amenity

5. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features. The local planning authority would consider whether it is in scale and in keeping with these features.
6. Bristol Road is a main thoroughfare running south from the centre of Gloucester. Surrounding the appeal site, the road is commercial in character. The surrounding buildings are varied in scale, from two to three storey terraces with ground floor retail units to larger commercial units. The appeal site is located on the corner of Bristol Road and an access to an industrial estate, and the proposed digital screen would be located on a gable end facing this access. On the opposite gable end facing the appeal site is an existing non-illuminated poster sign. The parties agree that a similarly sized non-illuminated poster sign was previously located on the same gable end as the proposed digital sign.
7. The busy character and commercial nature of the road, together with the fascia signs and advertisements in the street, all contribute to the appearance of the area and the proposed digital sign would not look out of place in that context nor appear incongruous nor overly prominent.
8. I acknowledge that a digital screen could be more prominent than the existing surrounding advertisements, as images would change at regular intervals and they would be more visible when it is dark as a result of the digital illumination. However, the level of illumination could be regulated by condition. In this case the appellant has stated that the illuminance of the digital display would be limited to 300 candelas per square metre. At such levels I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the busy and well-lit nature of the road and the presence of commercial premises. Similarly, the speed with which the advertisements change and the prevention of video or moving images could also be controlled by condition.
9. In light of the foregoing, I conclude that there would be no identifiable harm to the existing mixed commercial and industrial character and appearance of the area within the vicinity of the appeal site. The proposed advertisement would not result in harm to the visual amenity of the area, as defined by the PPG. Although not determinative, the proposal would also accord with the relevant provisions of Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

Public Safety

10. Bristol Road is a busy main thoroughfare, and as set out above, the proposed sign would be located on the corner of the access to the industrial estate. Its position on the end of a gable means that it would only be visible to drivers approaching from the north.

11. Given the digital LED nature of the advertisement, careful consideration needs to be given to their location in relation to points where local conditions present traffic hazards and drivers need to take more care. Whilst there is an access to the industrial estate and traffic lights nearby, there are not an unusual number of traffic hazards in this part of Bristol Road. Due to the reasonably straight road, the traffic signals are visible from a reasonable distance away and would be visible before the proposed advertisement came fully into view.
12. I acknowledge that the illumination of the advertisement would give it a prominence, particularly after dark, however the considerable amount of illuminated signage in this commercial area and the nearby lampposts would ensure that the proposed display would not appear as an unexpected or unusual feature to road users. The high-level siting of the proposed sign means that it would generally be seen above road traffic level and would not dazzle road users, result in glare nor compete for attention to an unacceptable degree for road users travelling along Bristol Road or exiting the industrial estate.
13. A condition controlling the levels of illumination and the frequency of the change of the advertisement material would also serve to reduce any distraction that the proposal may cause.
14. I conclude that the proposed advertisement would not result in harm to public safety. There is therefore no conflict with the highway safety objectives of the PPG and Framework.

Conditions

15. In addition to the five standard advertising conditions recommended by the Council, which I agree are appropriate, I attach conditions restricting the luminance levels of the display, preventing the use of moving images and specifying the frequency and nature of image changes. Although I have noted the Council's concern over the use of a condition to control the function of the images, these conditions have been considered having regard to the tests set out in Paragraph 56 of the Framework and are necessary in the interests of amenity and public safety.
16. I do not consider restricting the hours of operation necessary, given my findings on the commercial character of the surroundings.

Conclusion and Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed with the suggested conditions.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR