



Appeal Decision

Site visit made on 17 January 2022 by A J Sutton BA (Hons) DipTP MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/C4615/Z/21/3284877

Goals Soccer Centre Ltd, Cakemore Road, Rowley Regis, B65 0QX

- 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 Ben Porte C/O Clear Channel UK Ltd against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P21/1533, dated 9 August 2021 was refused by notice dated 23 September 2021.
 - The advertisement proposed is replacement of existing board signs with 2no internally illuminated freestanding 48-sheet digital poster displays back-to-back.
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Decision

1. The appeal is allowed, and express consent is granted for the replacement of existing board signs with 2no internally illuminated freestanding 48-sheet digital poster displays back-to-back, at Goals Soccer Centre Ltd, Cakemore Road, Rowley Regis, B65 0QX, in accordance with the terms of the application Ref P21/1533 and submitted plans, dated 9 August 2021, for five years from the date of this consent, subject to the standard conditions in the Regulations, and the following additional conditions:
 - 1) During periods of darkness, the intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 candela. During daylight hours the intensity of the illumination of the permitted advertisements shall not exceed the maximum value that is recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The advertisement displays hereby approved shall only show two-dimensional static images, shall not contain any moving images, animation, flashing lights, video or full motion images, and no messaging shall spread across more than one screen image.
 - 3) The advertisement displays hereby approved shall not change more frequently than every 10 seconds and the rate of change shall be a gradual and smooth fade.
 - 4) The illumination of the advertisement shall not at any time be intermittent.

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.

Preliminary Matter

3. The Council has drawn my attention to the policies it considers to be relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of the provisions of the development plan so far as they are material and any other relevant factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issue

4. The Council has raised no objection in respect of public safety subject to conditions and I observed nothing which would lead me to dispute this conclusion. Accordingly, the main issue in this case is the effect of the proposed advertisements on the amenity of the area.

Reasons for the Recommendation

5. The appeal site is at the boundary of a football centre on a straight section of Cakemore Road that comprises commercial and light industrial uses in buildings of varying size.
6. The proposed advertisements would be larger, wider and set higher than the existing signs on the appeal site. Their back-to-back configuration would avoid a bare frame panel being visible from public vantage points. The structure would be set within the existing vegetation at the boundary of the football centre which would help to integrate it into its surroundings.
7. Travelling east, the facing advertisement would be seen against the substantial industrial building behind. Travelling west the display panel would be seen against the 'Goals' building. From this direction, the advertisement would also be seen in the context of the large industrial buildings on the north side of the road. Moreover, by virtue of its position, it would not encroach on the relatively open and undeveloped area of the football pitches. Consequently, the size and the height of the advertisements would not be out of scale with existing surrounding built forms, nor would they be out of keeping with this urban area.
8. I observed no advertisements of this nature near the appeal site. However, this alone would not be a reason to dismiss the appeal. The contemporary style of advertisements would be reflective of the modern business units to the west. The structure and form would also not be at odds with the utilitarian box-like building forms and palisade fences that characterise the wider commercial area. Therefore, the advertisements would not appear incongruous features in this setting.
9. The illumination of the proposed advertisements would be limited to meet industry standards, such that it would respond to ambient light levels and be much lower at night. This would ensure that the proposal would not appear overly dominant in this respect. Furthermore, as replacement advertisements

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

they would not increase clutter or result in cumulative effects in this area where signage is limited.

10. In light of the factors outlined above, whilst the advertisements would be highly visible in the street, I find the location would be capable of absorbing the proposal without harmfully altering the character of the area. I therefore conclude that the proposed advertisements would not have a harmful effect on the amenity of the area.
11. I have taken into account Policy D12 of the Dudley Borough Development Strategy which seeks to protect amenity in respect of advertisements and so is material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with this Policy. Nor do I find conflict with the advice set out in Planning Guidance Note 11 which seeks to encourage a high standard of sympathetic design in respect of the display of advertisements, or with the policies of the National Planning Policy Framework.

Conditions

12. In addition to the standard conditions set out in the Regulations, I have considered the conditions suggested by the parties. Ensuring luminance is restricted to the stated levels established by industry standards is reasonable. It is necessary to expand the suggested condition to cover both day and night periods to ensure the proposal would not harm amenity or public safety. Conditions limiting the nature and frequency of images and preventing intermittent lighting are also reasonable and necessary to protect amenity and public safety. I have made minor amendments to the wording of these conditions in the interest of precision.
13. The appellant provides no justification for their suggested condition limiting hours of operation. I find that the proposal, subject to the controls outlined above, would not harm the amenity of this area and therefore this condition is unnecessary and has not been included for this reason.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation, therefore on that basis the appeal is allowed.

L McKay

INSPECTOR