
Appeal Decision

Site visit made on 15 March by Ms S Maur

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/U3935/Z/22/3290164

Land Adjacent Unit 23, Athena Avenue, Swindon SN2 8HQ

- 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 Mr Ben Porte, Clear Channel UK Ltd against the decision of Swindon Borough Council.
 - The application Ref S/ADV/21/1725/BLOWC, dated 1 November 2021, was refused by notice dated 22 December 2021.
 - The advertisement proposed is the installation of freestanding internally illuminated 48-sheet D-Poster display and vertical meadow.
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Decision

1. The appeal is allowed and express consent is granted for the installation of the freestanding internally illuminated 48-sheet D-Poster display and vertical meadow in accordance with the terms of application Ref S/ADV/21/1725/BLOWC, dated 1 November 2021. 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 intensity of the luminance of the advertisement hereby granted consent shall be no greater than 2500 cd/sqm metre during daylight hours and shall be no greater than 300 cd/sqm during evening/night-time hours. The advertisement shall be equipped with a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 2) The image shall not change more frequently than every 10 seconds.
 - 3) The display shall be switched off between the hours of 23.00 and 06.00.
 - 4) The vertical meadow shall be installed and maintained in accordance with the details shown in the Vertical Meadow Planning Information Document.

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.

Procedural Matter

3. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant.

However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Practice Framework (Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

4. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter. Accordingly, the main issue is the effect of the proposed advertisement on the visual amenity of the surrounding area.

Reasons

5. The appeal site is located adjacent to the Northern side of the A4311 carriageway in a triangular open grassed area in front of an existing commercial unit. The site is set back from the road and pavement which adjoins the carriageway. This side of the road is industrial and commercial in character. There is a variety of advertisement material in the locality including large fascia signs, free standing signs, poster signs, flag advertisements, many of which are visible from the highway.
6. The proposal consists of a freestanding internally illuminated 48 sheet poster display which would be set back from the road. The frequency of images is proposed to be no greater than once every ten seconds and there would be no moving images, video or flashing lights displayed. The proposal would also include a vertical meadow with a water tank below the digital screen.
7. The PPG outlines that large poster-boards may be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site. Although the proposal is not sited within a major city, it is situated within an industrial/commercial context with large buildings forming the backdrop of the advertisement and adjacent a dual carriageway.
8. Even though larger illuminated poster displays are not demonstrated within the vicinity, the proposed advertisement closely relates to the commercial activities and signage, as well as to the existing buildings in terms of its scale. Moreover, the level of illumination could be reduced at night and switched off during the depth of night as suggested by the appellant. This could be controlled by an appropriately worded planning condition. The addition of one advertisement when viewed with the existing signage in the locality would not appear as visual clutter or be overly prominent within this commercial context.
9. For the reasons identified above I conclude that the proposed advertisement would not cause harm to the visual amenity of the surrounding area. As such, it would accord with the requirements of Policy DE1 of the Swindon Borough Local Plan 2026, which requires a high standard of design for development with regard being had to existing building characteristics, siting, massing and amenity. There would also be no conflict with the Framework which seeks advertisements that are well sited and designed.

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

Conditions

10. I have imposed the five standard conditions as set out in the Regulations.
11. Additional conditions are necessary to control levels of luminance, the frequency of changes of the images, and the hours that the display can operate in the interest of public safety and visual amenity.
12. The vertical meadow forms part of the advertisement and in the interest of amenity it is necessary that it is installed and maintained in accordance with the details submitted by the appellant.
13. I have altered some of the suggested wording given by the main parties in the interests of precision.

Recommendation

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

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be allowed, with the suggested conditions.

RC Kirby

INSPECTOR