



Appeal Decision

Site visit made on 4 May 2022 by R Dickson BSc (hons) MSc

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/Y1110/Z/22/3291912

Land at Honiton Road, Sowton Industrial Estate, Exeter EX1 3RU, Grid Ref: 296119, 92663

- 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 Exeter City Council.
 - The application Ref 21/1717/ADV, dated 8 November 2021, was refused by notice dated 28 January 2022.
 - The advertisement proposed is described as 'Installation of freestanding internally illuminated 48-sheet D-Poster display and vertical meadow. Illumination to comply with institute of lighting Professionals' PLG05. Frequency of images to be no greater than once every ten seconds. No moving images, videos or flashing lights to be displayed'
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Decision

1. The appeal is allowed and express consent is granted for the display of a freestanding internally illuminated 48-sheet D-Poster display and vertical meadow 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 intensity of the luminance of the advertisement hereby granted consent shall be no greater than 2500 candelas per square metre during daylight hours and shall be no greater than 300 candelas per square metre 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 advertisement shall display only two-dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging shall spread across more than one screen image. The advertisement display shall not change more frequently than every 10 seconds and the rate of change shall be instantaneous.
 - 3) The vertical meadow shall be provided in accordance with the submitted details before the advertisement display hereby approved is first brought into use, and thereafter shall be maintained in accordance with the Operations/Maintenance schedule in the Clear Channel Vertical Meadow Planning Document at all times that the advertisement is in place.

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 Matters

3. The description in the decision above is taken from the application form but omits wording that is dealt with by the additional conditions.
4. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account where relevant. However, powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations), to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the policies cited by the Council have not therefore, by themselves, been decisive.

Main Issue

5. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons for the Recommendation

6. The appeal site is located within a green verge adjacent to Honiton Road. The proposed advertisement would be seen by east-bound traffic on the opposite side of the road while approaching a T junction, which connects Fitzroy Road and Honiton Road. The junction is signal controlled and includes a non-signalled pedestrian crossing. The immediate surroundings have a busy, mixed commercial and industrial character. The section of green verge where the proposed advertisement would be positioned, is comprised of overgrown shrubs and a mature tree. There is a chain link fence to the rear of the small plot, which joins to the chain link fence to the west of the site, adjacent to the retail units, which at the time of my site visit, had banner advertisements attached.
7. The proposed advertisement would be sited at a wide part of Honiton Road next to the open frontage of the adjacent commercial site. It would occupy a prominent position but would be seen within the context of other signage including partially internally illuminated totem signs, high level signage and fascia signs which advertise the various businesses along this part of Honiton Road. Therefore, although large, it would not feel unduly intrusive in this commercial and industrial area, which is typical of an area where an internally illuminated sign might usually be found.
8. The Council has identified other signs attached to the chain link fence which do not have consent, however I do not know whether they are, or could be subject to enforcement action. Cumulatively, the proposal would add another large feature into the street scene, but the proposed advertisement would be set slightly away from the others and would be clearly distinguishable from them in terms of its siting, height, and digital nature. Given the variety of permanent advertisements already present and the temporary nature of the banners adjacent, I do not find that the proposed advertisement would be unduly prominent even when illuminated, particularly as it would have the ability to

automatically dim the illumination with changing lighting conditions. Therefore, I do not consider that it would contribute harmfully to visual clutter.

9. The proposed advertisement would be illuminated overnight however the degree of illumination would be much lower than during the day. Controls on the degree of illumination can be secured by condition and subject to the suggested limits, the proposed advertisement would not harm visual amenity overnight or during the day.
10. The proposed advertisement would be positioned in front of a mature tree, which has a positive contribution on the character of the area. Much of the canopy would still be seen above and around the advertisement structure when approaching it, allowing the prominence of the tree to be maintained. From the other direction the tree would screen much of the structure. The proposed vertical meadow would also provide a green feature which would go some way to mitigate the visual impacts of screening part of the tree. Consequently, while the proposal would obscure some of the existing greenery, overall, it would not look out of character when the vertical meadow is fully established.
11. I acknowledge that there are limited examples of other digital advertisement displays in the immediate area, however the Planning Practice Guidance (PPG) identifies that when assessing amenity, the local characteristics of the neighbourhood would always be considered. In this instance, and in this particular location, which is already dominated by commercial advertisements, the proposed advertisement would be in keeping with the character of the area and would not adversely affect visual amenity.
12. This appeal has been dealt with on its own merits and has been found to be acceptable due to a range of site-specific factors, as discussed above. This appeal would not set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site, which are unlikely to be identical to this site.
13. Consequently, taking all the above into consideration, the proposed advertisement would not result in harm to the visual amenity of the area. I have taken into account Objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy (2021), and Policies DG1(h) and DG8 of the Exeter Local Plan First Review (2005), which collectively seek to ensure proposals do not harm the character of the area and are material in this case. Given I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with these Policies.

Other Matters

14. The proposal would introduce a new, large feature close to a road, but visibility is good in this location and the advertisement would be seen in conjunction with other signage. Control over illumination, moving images and the frequency with which the displays change can be achieved by conditions. Therefore, the proposal would not result in undue risk of driver distraction or unacceptable impacts in respect of public safety.
15. I acknowledge that the other advertisements on Honiton Road relate to the businesses they are adjacent to, however the Regulations do not control the content of advertisements, and the PPG specifies that consent cannot be refused unless the nature of the advertisement is in itself harmful to amenity or

public safety. I have found that it would not be harmful in these respects, therefore being unrelated to a business does not justify dismissing the appeal.

Conditions and Recommendation

16. In addition to the five standard conditions set out in the Regulations, I have had regard to the conditions suggested by main parties relating to the control of illumination, moving images and the frequency with which the displays change. For the reasons set out above, in the interests of visual amenity and public safety I consider such conditions to be necessary other than the requirement to switch the display off overnight. To ensure the vertical meadow is provided and maintained as proposed, I have added a condition to capture this, in the interests of visual amenity.
17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is allowed subject to conditions.

L McKay

INSPECTOR