The Planning Inspectorate

Appeal Decision

Site visit made on 19 July 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2022

Appeal Ref: APP/Y1110/Z/22/3301053
14 Trusham Road, Marsh Barton, Exeter EX2 8QG

- 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 Clear Channel UK Ltd against the decision of Exeter City Council.
- The application Ref 22/0279/ADV, dated 24 February 2022, was refused by notice dated 3 May 2022.
- The advertisement proposed is a pair of illuminated 48-sheet digital poster displays.

Decision

1. The appeal is allowed and express consent is granted for a pair of illuminated 48-sheet digital poster displays. 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 advertisements hereby granted consent shall be no greater than 3000 candelas per square metre between sunrise and sunset and shall be no greater than 300 candelas per square metre between sunset and sunrise. 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 advertisements shall display only static images, and shall contain no flashing, moving, animation, video or full motion images. The advertisement display shall not change more frequently than every 10 seconds and the rate of change shall be instantaneous (0.1 seconds or less).

Main Issue

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

Reasons

3. The appeal site is located on the western side of Trusham Road, which is a busy road through the commercial area of Marsh Barton Trading Estate. The site is adjacent the forecourt associated with Mathews Ltd to the south, and an electricity substation compound to the north. The surrounding area is characterised by various commercial and industrial buildings of differing scale and utilitarian designs, and a wide range of advertisements, including, but not restricted to flag, placard and totem, some of which are illuminated.

4. The proposed advertisements would be sited perpendicular to the highway and occupy a prominent position. However, this would be seen within the context of other signage in the area, and in particular totem signs and high-level signage, such as at the fuel station opposite the site. Therefore, although large and likely to house generic advertisements not connected to local businesses, the advertisements would not feel unduly intrusive in this commercial area and is typical of the wider character of the area.

5. I saw no other digital advertisements within the immediate locality at the time of my visit. However, whilst Exeter may well be a historic city, the appeal site is not within a scenic, architectural, or historic area whereby an advertisement must be in keeping with these features. It would be seen in the context of a busy urban road and against a range of industrial and commercial buildings with a variety of roof profiles and existing advertisements such that it would not dominate the skyline or appear out of place.

6. The proposed advertisements would be illuminated overnight. However, the degree of illumination would be lower than during the day. Whilst the illuminated advertisements would be more apparent during hours of darkness, given the commercial character of the area and existing street lighting, they would not form a discordant addition to the street scene or result in significant light pollution. Conditions could be used to control the level of illumination during hours of darkness and to prevent moving images, which if otherwise not controlled would form a discordant feature to the detriment of the visual amenity of the area.

7. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations) states the power to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. I have had regard to 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 so far as they are material to this decision. I conclude that the proposal would not harm visual amenity and would not conflict with these Policies.

Other Matters

8. Whilst the Council puts forward concerns regarding highway safety within its Officers report, it ultimately concludes that there is no issue in respect of public safety. With a condition preventing moving images, I see no reason to disagree with the Council.

9. This appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given above. This appeal decision 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.

10. The Council have cited concerns that the proposal will cause 'environmental issues' although have not provided me with any further details on these issues. Regulations require decisions to be made only in the interests of amenity, and where applicable, public safety. Given the main issue, it is the issue of amenity that must be decisive.

Conditions

11. In addition to the five standard conditions set out in the Regulations, I have had regard to the conditions suggested by the appellant relating to the control of illumination, moving images and the frequency with which the displays change. 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 as I have found the level of overnight illumination proposed to be acceptable. I have amended the wording of the conditions and amalgamated the movement conditions for clarity and to ensure they comply with the National Planning Policy Framework.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I conclude the appeal should be allowed subject to conditions.

S Harrington

INSPECTOR