



Appeal Decision

Site visit made on 21 December 2022

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/N1160/Z/22/3301830

Grassed Road Verge on South Side of Wolseley Road Between Railway Line and St Budeaux District Shopping Centre, Plymouth PL5 1RQ

- 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 Network Rail against the decision of Plymouth City Council.
 - The application Ref 22/00368/ADV, dated 04 March 2022, was refused by notice dated 04 May 2022.
 - The advertisement proposed is the Replacement of existing 2no. externally illuminated 48 sheet advertisement billboards with 1no. 48 sheet digital LED advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for the Replacement of existing 2no. externally illuminated 48 sheet advertisement billboards with 1no. 48 sheet digital LED advertisement display. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹ and the following additional non-standard conditions:
 - 1) The intensity of the luminance of the advertisement hereby granted consent shall be no greater than 600 cd/sqm during daylight hours (between sunrise and sunset) and shall be no greater than 300 cd/sqm during evening/night-time hours (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 minimum display time for each advertisement shall be 10 seconds and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind before, during or after the display of any advertisement.
 - 3) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including sequencing, fading, swiping, merging or other animated transition methods) between each advertisement.
 - 4) The advertisement must have static images only for the lifetime of the development. No moving or apparently moving images, strobe or flashing lighting effects are permitted.

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

Procedural Matters

2. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, the Regulations and the Framework² make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, been decisive; however, I have taken them into account as a material consideration where relevant.

Main Issue

3. The Council has raised no objection to the appeal proposal in relation to public safety subject to a number of non-standard conditions. From my consideration of the case and my observations during my visit to the site and the surrounding area, I have no reason to disagree with the Council's conclusions on this matter.
4. The main issue is therefore the effect of the proposal on the amenity of the area.

Reasons

5. The appeal site relates to a section of grassed verge, situated to the southern side of Wolseley Road, a busy dual carriageway, situated within St Budeaux, and opposite a range of commercial premises forming part of the neighbourhood shopping centre for the area.
6. The immediate area to the appeal site is characterised by commercial premises, numerous fixed advertisements, including fascia signs and hoardings, alongside the traffic movements along Wolseley Road and other features such as bus stops, street lighting, and traffic lights. To the south of the appeal site is the rail line. Collectively the above creates a bustling environment.
7. The appeal proposal seeks to replace two existing externally illuminated advertisement hoardings with one digital 48 sheet LED display, which would present multiple static advertisements on rotation. The siting of the proposed display would be in a similar location to the current western hoarding, the eastern hoarding would also be removed. From the information provided to me, it is understood that the existing hoardings have been in situ for approximately twenty years.
8. Due to the orientation of the proposed display, it would be most visible from the opposite side of Wolseley Road, adjacent to the existing commercial premises, or when leading down to the centre of St Budeaux from Victoria Road to the north. From these vantage points, the display is perceived in the context of the busy commercial environment at St Budeaux as referred to above.
9. I appreciate that the proposed digital display with changing images would be distinctively different to the print advertisements on the existing hoardings, and other advertisements in the area.

² The National Planning Policy Framework 2021

10. However, due to the busy commercial characteristics of the immediate area to the appeal site, I conclude that the proposal would not be visually intrusive or out of place in this context, it would have an acceptable effect on the amenity of the area. Further, it would also replace two existing illuminated advertising hoardings.
11. In reaching this view, I have taken account of the ability to control via condition the level of illumination of the digital display at night, the speed and rate at which the display changes and the prevention of moving or flashing images and other special effects, to reduce the visual effects of the proposal.
12. Given my findings above, I conclude that the display would not be harmful to visual amenity. The proposal would also align with paragraph 136 of the Framework, which seeks to control advertisements in the interests of amenity.

Conditions

13. The Council and the appellant have provided a list of suggested non-standard conditions. I have revised these where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
14. In the interests of maintaining highway safety and visual amenity, I consider that non-standard conditions are necessary regarding the intensity of the illumination; that a minimum time for the display of any advertisement is set; that there are no special effects; that there is a minimum interval between images; and that the images would not be moving. However, I do not consider that the Council's suggested condition restricting images that may be interpreted as roads signs is necessary as this is already covered by the standard conditions.

Conclusion

15. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR