



Appeal Decision

Site visit made on 7 February 2023

by J Burston BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/D1835/Z/22/3302949

**Midland Road Newland Road Junction Embankment, South of Worcester
Shrub Hill Rail Station, Worcester, WR5 1DB, 385799, 255074**

- 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 Worcester City Council.
 - The application Ref 22/00205/ADV, dated 11 March 2022, was refused by notice dated 18 May 2022.
 - The advertisement proposed is described as "*Replacement of 3no. existing externally illuminated 48 sheet advertisement billboard with 1no. 48 sheet digital LED advertisement display.*"
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Decision

1. The appeal is allowed and planning permission is granted for Installation of one 48 sheet digital LED advertisement display following removal of two static 48 sheet advertisement Billboards at Midland Road Newland Road Junction Embankment, Worcester, WR5 1DB in accordance with the terms of the application, Ref 22/00205/ADV, dated 11 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be within that recommended by the Institute of Lighting Professionals in its 'Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements' or equivalent standards set out in a replacement Guide.
 - 2) The minimum display time for each advertisement shall be 10 seconds.
 - 3) The interval between successive displays shall be 0.1 seconds or less and the display screen shall change without visual effects, including fading, swiping or other animated transition methods, between each advertisement.
 - 4) No individual advertisement shall contain any moving or apparently moving images.
 - 5) In the event of a malfunction of some or part of the display screen, the whole of the display panel shall be switched off or revert to a black screen.

Preliminary Matters

2. The application form describes the proposal as the "*Replacement of 3no. existing externally illuminated 48 sheet advertisement billboard with 1no. 48 sheet digital LED advertisement display.*" However, following the submission of the application this was changed to the "*Installation of one 48 sheet digital LED advertisement display following removal of two static 48 sheet advertisement*

Billboards.” The amended description more accurately describes the proposal and I have used this in my decision as set out above.

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 Regulations 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 (the 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. Therefore, the main issue in this appeal is the effect of the LED advertisement display on the visual amenity of the area.

Reasons

5. The proposed digital advertisement would be located adjacent to the junction of Midland Road and Newtown Road, which are busy main roads, and set against the backdrop of a railway bridge and embankment. Two 48-sheet advertisements have been present at the appeal site for a number of years, along with a further similar sized panel directly to the north.
6. To the south and west of the appeal site are residential properties, the closest of these being St Paul's Hostel, the rear elevation of which incorporates a range of window openings that face towards the appeal site. To the north, northwest and east are a range of commercial and industrial type uses, including Worcester Shrub Hill Railway Station. Generally, the commercial buildings have limited advertisements mainly comprising non-illuminated fascia signs. Nevertheless, there is illumination in the area due to street and security lighting.
7. The proposal consists of an internally illuminated digital advertisement unit, the screen of which measures approximately 6500mm width x 3500mm height. The screen would be installed at 5.2m above the level of the highway. The display would be digital in form, allowing for static images on rotation. The panel to the immediate right (east) of the proposed replacement panel at the site will be removed.
8. I accept that the proposed advertisement would be a rather obvious feature and would be very different to the existing paper and paste advertisements, particularly at night. While the rear elevations of St Paul's Hostel contain ground and first floor windows that face towards the highway junction, the appeal site is off-set appreciably to one side. As a result, outlook for residents would not be directly towards the digital sign. In addition, there would also be a significant separation distance which would have a mitigating effect on the immediacy or intensity of luminance experienced. It should also be acknowledged that the occupiers are highly likely to draw curtains or close blinds or shutters at night. Such considerations would also apply to the occupants of a number of houses on Byfield Rise.

9. Consequently, whilst a digital advert could be observed by the occupiers of nearby houses, especially in views in one direction, it would not cause undue glare or unacceptable harm to their living conditions.
10. In the context of the wider street scene, due to its positioning, the proposal would primarily be visible when travelling along Midland Road in a northerly direction. When viewed from this point, the proposed advertisement would be readily apparent. However, it would be read in the context of the backdrop of the railway line and commercial buildings. In any event, during the daytime the advertisement would appear much as any other billboard and conditions could be imposed to ensure that the digital display unit would accord with best practice technical guidance provided by the Institute of Lighting Professionals.
11. I conclude that, following the imposition of suitably worded conditions, the proposed advertisement would not have a detrimental impact on the visual amenity of residents or on the street scene hereabouts.

Conditions

12. Advertisement consent is given subject to the five standard conditions set out in the Regulations (Town and Country Planning (Control of Advertisements) (England) Regulations 2007). As these conditions are set out in the Regulations it is not necessary for me to list them in my formal decision, even though they apply to the consent granted.
13. Conditions concerning the intensity of the illumination; advertisement frequency; the intervals between advertisements; that the displays shall not contain moving images; and, that the screen shall be switched off or revert to a black screen in the event of malfunction or failure, are necessary in the interests of amenity and public safety.

Conclusion

14. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and should be allowed.

J Burston

INSPECTOR