



Appeal Decision

Site visit made on 28 February 2023

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/N1160/Z/22/3302278

Lipson Vale, Railway Embankment, Plymouth PL4 7HY

- 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.22/00411/ADV, dated 10 March 2022 was refused by notice dated 16 May 2022.
 - The advertisement proposed is the replacement of 4 no. 48 sheet advertisement billboards with 1 no. 48 sheet digital LED advertisement display.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the 48 sheet digital LED advertisement display 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) During the daytime period (between local sunrise and sunset) the brightness of the screen shall be no more than 4800 cd/sqm. During the night-time period (between local sunset and sunrise) the brightness of the screen shall be no more than 300 cd/sqm. All lighting shall be in accordance with the ILP Technical Note no.5 PLG05: The Brightness of Illuminated Advertisements.
 - 2) The screen shall only be operated as follows: images to be shown with no greater frequency than 10 seconds between each advert; no visual effects to be used during the time that any message is displayed – visual effects are deemed to include animated, flashing, scrolling, intermittent, or video elements; the transitional time interval between successive displays shall be no greater than 0.1 seconds with no fading, swiping, or other animated transition methods between successive displays; content to be limited to two dimensional display only and will not emit any noise, sound, smoke, smell, or odours; the display shall not include any features or odours which would allow interactive messages or advertisements to be displayed; and the display shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly.
 - 3) The 48 sheet digital LED advertisement display hereby permitted shall not be erected and brought into use until the 4 no. 48 sheet advertisement billboards currently on the site, and their supporting structures and accoutrements, have been removed from the site in their entirety.

Main Issue

2. This is the impact of the advertisement display proposed on amenity.

Reasons

3. The railway embankment is currently home to four static 48 panel advertisement billboards. They are prominent features and their somewhat irregular arrangement makes for a rather jumbled appearance that has a detrimental impact on the street-scene. As paragraph 136 of the National Planning Policy Framework (the Framework) tells us, the quality and character of places can suffer when advertisements are poorly designed and sited.
4. The proposal is to replace the westernmost billboard with a taller digital LED display orientated towards the flow of traffic. Alongside that, it is stated that the other three billboards would also be removed. I appreciate that the digital panel proposed would be taller and more substantial than the panel it would replace. Moreover, it would be illuminated and while the display would be static, it could change as often as every ten seconds. Nevertheless, the impact of such a single digital panel on the street-scene would be far less than the four currently in place. The embankment would be decluttered and the trees behind the existing panels would become more visible. The overall impact on amenity would be a positive one.
5. On that basis, it is my conclusion that the appeal should be allowed. Aside from the five standard conditions, the Council has suggested some additional conditions. The first of those mirrors the requirements of the second of the standard conditions and is therefore unnecessary. Two conditions are suggested to address the brightness of the screen and the way the screen is operated. I agree that these are necessary in order to limit the impact of the screen on amenity and highway safety.
6. The Council has not suggested one, but a condition is clearly necessary to ensure the billboards that currently occupy the site are removed in their entirety before the new digital display is put up.

Conclusion

7. On that overall basis, the appeal succeeds.

Paul Griffiths

INSPECTOR