



Appeal Decision

Site visit made on 4 May 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/B5480/H/22/3311874

Land at Burney Trade Park, Adj Southend Arterial Road, Romford, London RM3 0BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Clear Channel UK against the decision of London Borough of Havering.
 - The application Ref A0026.22, dated 15 August 2022, was approved on 18 November 2022 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is 1 x Internally Illuminated digital 48 sheet display with vertical meadow.
 - The condition in dispute is No. 3 which state that: The advertisements if not switched off shall not exceed 300cd/m² illumination at any time and shall be displayed in complete accordance with the approved plans, unless previously agreed in writing by the local planning authority.
 - The reason given for the condition is: To comply with the recommendations of Transport for London in the interests of highway safety, and in order that the development accords with Policy 13 and 26 of Havering Local Plan 2016 -2031.
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Decision

1. The appeal is allowed and the advertisement consent Ref A0026.22 for 1 x Internally Illuminated digital 48 sheet display with vertical meadow at Land at Burney Trade Park, Adj Southend Arterial Road, Romford, RM3 0BX granted on 18 November 2022 by the London Borough of Havering is varied by deleting condition 3 and substituting it for the following condition:
 - The advertisement shall comply with the recommendations of the Institution of Lighting Professionals (PLG05, 2015) The Brightness of Illuminated Advertisements. The intensity of the luminance of the advertisement hereby approved shall be no greater than 3000 cd/sqm between sunrise and sunset, and shall be no greater than 300 cd/sqm between sunset and sunrise. The advertisement shall be equipped with a dimmer control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.

Main Issue

2. The main issue is the effect that varying the condition would have on public safety.

Reasons

3. The appeal site is located at Burney Trade Park which is adjacent to the Southend Arterial Road which is a busy dual carriageway. The advertisement would face counter to the direction of traffic so that it would not be in the direct line of sight of the closest lanes of traffic, with drivers on the opposite side of the carriageway having a more direct line of sight. The advertisement would not be seen in conjunction with any illuminated traffic signals.
4. The PPG emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
5. The Council in the Officer Report comment that there would be a maximum illumination during the night/hours of darkness of 300cd/m². The condition as imposed, however, would apply at all times. The imposed condition follows the receipt of a consultation response from Transport for London (TfL).
6. The appellant has commented that the advertisement sought a maximum daytime brightness of 3000 cd/sqm and a maximum night-time brightness of 300 cd/sqm. It stands to reason that under the condition imposed by the Council, the advertisement would not be as visible during daylight hours, particularly given its southerly orientation, as during hours of darkness.
7. The appellant has referred to the Institution of Lighting Professionals (PLG05, 2015) The Brightness of Illuminated Advertisements. This guidance outlines that for digital displays to be effective during daylight hours they will need to exceed the 'recommended night-time limits'. This is because ambient light levels will be greater. In this regard, it states that digital signs should never exceed 5000 cd/sqm during the daytime, in recognition that higher levels of luminance are necessary during the day, when the corresponding ambient light levels are increased.
8. In order to address the changing times of sunrise and sunset throughout the year, the appellant has confirmed the advertisement would have an integral ambient light sensor, to help regulate the brightness relative to the prevailing level of ambient light. This could be subject to an appropriately worded condition.
9. As outlined by the Council, the condition was imposed following the receipt of comments from TfL. The appellant has drawn my attention to TfL's 'Guidance for Digital Roadside Advertising and Proposed Best Practice'. This guidance recognises The Institute of Lighting Professionals guidance on the maximum brightness of signs. It also identifies that night-time levels of luminance in urban areas would be in the range of 100-300 cd/sqm, and that day time levels of luminance would need to be higher to ensure that the signs remain visible. The guidance continues that luminance should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within acceptable limits.
10. It therefore follows that the appellant's suggested condition would be in accordance with the Institution of Lighting Professionals (PLG05, 2015) The Brightness of Illuminated Advertisements and TfL's Guidance for Digital Roadside Advertising and Proposed Best Practice.

11. Therefore having regard to the compliance with the guidance outlined above and the highway conditions of the area surrounding the proposed advertisement, I conclude that varying the condition as outlined would not cause harm to public safety.
12. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. Policies 13 and 26 of the Havering Local Plan (2021) as cited in the reason for the condition, relate to town centre development and urban design respectively and are not relevant to the matter of public safety in advertisements.
13. The proposal would comply with the National Planning Policy Framework (the Framework) (2021) which states that advertisements should be subject to control only in the interests of amenity and public safety.

Other Matters

14. I note third party representation has been received from the adjacent landowner. It is claimed that no consultation was carried out. The Council commented in their original assessment that statutory consultation was carried out with neighbouring properties to the site by way of direct notification. Either way, it is not a pertinent matter in the appeal.
15. Representation is also made to a perceived serious impact the advertisement would have on tenants who operate businesses from the site. The representation does not, however, comment on what the serious impact would be. Regardless, on the pertinent matter of public safety, I have concluded that the variation of the condition as outlined, would not cause harm.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed and the condition is varied.

A M Nilsson

INSPECTOR

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