



Appeal Decision

Site visit made on 8 May 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th May 2024

Appeal Ref: APP/N1160/Z/23/3331506

9-11 Chudleigh Road, Plymouth PL4 7HU

- 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 Wildstone Estates Limited against the decision of Plymouth City Council.
 - The application Ref: 23/00978/ADV dated 30 June 2023, was refused by notice dated 25 August 2023.
 - The advertisement proposed is described as conversion of existing poster advertisement to a D-poster.
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Decision

1. The appeal is allowed, and express consent is granted for the conversion of existing poster advertisement (48 sheet) to a D-poster as 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 additional conditions set out in the Schedule attached to this decision.

Main Issue

2. From my site visit and the information before me, I agree that issues of amenity are not raised in this appeal; such matters did not form part of the Council's reasons for refusal, only issues relating to public safety. Accordingly, the main issue in this appeal is whether the proposed advertisement would be acceptable in terms of public safety.

Reasons

3. The appeal site lies to the rear of 9-11 Chudleigh Road on the south side of an access road which serves the rear of properties fronting Chudleigh Road and within the urban area of Plymouth. There is an existing poster and paste display in the same location as the proposed as well as a number of other similar displays along Old Laira Road (B3214), around and under the railway bridge. The existing is and the proposed would be sited towards the end of the access road, closest to the junction with Old Laira Road and facing north towards oncoming traffic heading south on the main road.
4. The proposed digital display (D-poster) would replace, on the same site, an existing static 48 sheet poster and paste display. It would be internally illuminated, with the intensity of illumination no greater than 300 CD/m² during hours of darkness. The display would show a cycle of advertisements with each advertisement being displayed for a minimum of 10 seconds and

there would be a rapid change between each display; the actual displays will be static two dimensional images. All these matters can and would be controlled by the imposition of appropriate conditions.

5. The advertisement display would be primarily seen by traffic approaching south along Old Laira Road towards Lipson Vale. The junction of Chudleigh Road onto Lipson Vale would be beyond the advertisement display and the display would not distract vehicles exiting Chudleigh Road onto the main road. There is good visibility splays at this junction for vehicles joining the main road.
6. The unmanned pedestrian crossing point across Old Laira Road is between the junction with Chudleigh Road and the rear access road to the immediate south of the railway bridge. Given the siting of the sign, pedestrians would not be distracted by the display in seeking to cross the road at this point. There is good visibility towards oncoming traffic at this crossing point.
7. I am also satisfied that vehicles seeking to exit the access road serving the rear of the houses in Chudleigh Road would not be distracted by the display because of the close proximity and angle of vision.
8. In terms of the traffic on the main road, this is a busy urban environment with a number of access points onto the road as well as other signs and advertisements in the immediate vicinity. Given its urban location, the road is subject to a 30mph speed limit with regular street lighting. The replacement sign would not therefore be an isolated nor unexpected feature in the urban street scene, but one of several advertisements and other signs on both sides of the road, as well as a number of side junctions, all of which would be part of the experience of driving along this stretch of road.
9. The information on accident records is not clear; the Highway Authority refers to 3 injury accidents at the junction of Old Laira Road and Chudleigh Road in the last 5 years, whereas the Appellant's evidence refers to there being no accidents along the B3214 or Chudleigh Road in the vicinity of the proposed sign location in the last 3 years. There is also no detailed information before me regarding the nature and seriousness of any of these incidents referenced by the Council.
10. Digital advertisement displays are not uncommon and there is no evidence before me to indicate that there is a greater highway and public safety danger associated with these forms of advertisements compared with any other forms of advertisement displays.
11. I have taken into account the concerns raised by the Transportation Officer and the Designing Out Crime Officer. However, in the context of this urban location, I see no reason why the proposed D- poster should be a distraction that would result in a danger to public safety sufficient to justify a refusal of consent. Although each proposal must be considered on its individual merits, there is no information or evidence before me at either a national or a local level to support these concerns; moreover, conditions would be imposed to control light emissions and the timing of the advertisements and their change. With these conditions in place, lighting levels would be appropriate to the urban location and would not be overly bright during hours of daylight or darkness and there would be appropriate controls to safeguard against moving, flashing or rapidly changing images.

12. For these reasons I conclude that the proposed advertisement display would not harm public safety in the local area. I have taken into account Policies DEV1, DEV20 and DEV29 of the Plymouth & South West Devon Joint Local Plan as well as the National Planning Policy Framework and find no conflict with these policies or the Framework.

Conditions

13. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations. In addition, in the interests of public safety, as well as amenity, restrictions as to the nature and brightness of displayed images, their duration and transition are necessary.

Conclusion

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

L J Evans

INSPECTOR

Schedule of Additional Conditions

- 1) In the hours of darkness, (between local sunset and sunrise), the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night time luminance value set out in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 2) In daylight hours, (between local sunrise and sunset) the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
- 3) The screen shall only be operated as follows:
 - i) images to be shown with no greater frequency than 10 seconds between each advert;
 - ii) 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;

- iii) 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;
- iv) content to be limited to two dimensional display only and will not emit any noise, sound, smoke, smell, or odours;
- v) the display shall not include any features or odours which would allow interactive messages or advertisements to be displayed;
- vi) 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.