



Appeal Decision

Site visit made on 18 June 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/B3410/Z/24/3341223

Land Adjacent Petrol Station, St Peters Bridge, Burton upon Trent DE14 3RY

- 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 Vivid Outdoor Media Solutions (B) Limited (Mr Warren Milroy) against the decision of East Staffordshire Borough Council.
 - The application Ref P/2023/01292, dated 22 November 2023, was refused by notice dated 29 January 2024.
 - The advertisement proposed is the erection and display of a single freestanding 6 x 3 metre LED display unit.
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Decision

1. The appeal is allowed and express consent is granted for the erection and display of a single freestanding 6 x 3 metre LED display unit on Land adjacent Petrol Station, St Peters Bridge, Burton upon Trent DE14 3RY. The consent is for five years from the date of this decision and subject to the five standard conditions set out in the Regulations and the following additional conditions.
 - 1) The maximum permitted level of luminance of the display shall not exceed 300 candelas per square metre during twilight and night hours (dusk until dawn), in accordance with the recommendations of the Institution of Lighting Professionals.
 - 2) The luminance level of the display shall be controlled by ambient environmental control which would automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
 - 3) The approved display shall contain at all times a feature that will turn off the screen (i.e., show a black screen) in the event of any malfunction or error.
 - 4) No individual advertisement on the LED screen shall contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 - 5) There shall be a smooth uninterrupted transition from one image to another. Transitions shall be instantaneous, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

Procedural Matters

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The national Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach, with the Framework adding that cumulative impacts can be taken into account.
3. The Council have not raised public safety as an issue and I have no reason to question that, so therefore it will not be taken into consideration in my deliberations.

Main Issue

4. The main issue is the effect of the proposed advertisement display upon the amenity of the site and its surroundings.

Reasons

5. The appeal site is on the northern site of St Peters Bridge and is a grass verge separating the petrol station from the highway. An existing totem sign for the petrol station is already located on the verge. The area is predominately commercial in nature with some residential properties to the north of the appeal site.
6. The appeal proposal would face toward traffic heading eastward. The advertisement section would be illuminated and would be 6m x 3m in size, mounted on a structure of approximately 3m in height.
7. The appeal site does not fall within any designated heritage area and its surroundings are not characterized by the presence of any important buildings or features of obvious scenic, historic, architectural, cultural or similar interest.
8. The general characteristics of the locality are defined by its generally commercial location and the busy adjacent thoroughfare. Unsurprisingly, whilst I saw no digital displays close by of the type proposed, there are other advertisements of various designs, forms and heights along the highway, in both directions. Being within a predominantly commercial area of a major conurbation where there are large buildings and a busy highway gives this locality a character which the PPG identifies as likely to be a suitable location for a large poster-boarding, especially as I consider that the display can be accommodated without adversely affecting the amenities of the neighbourhood of the site. The reference in the PPG to a "major city" should not be taken literally since the advice is laid out for illustrative purposes and no definition is given by what is meant by "major city".
9. The appeal scheme would not provide an alien or incongruous feature given the nature of the locality and the existing signage along this commercial corridor. The rear of the display not being masked or utilised is somewhat of a disappointment. Owing to its standard width, surface area and height for displays of this type, it would not appear out of scale to passers-by.
10. The front of the display would have a reasonably long range of visibility along the highway, but this has more to do with the straight alignment of the road than the design, size and location of the sign. Being set in from the roadside

and with a backdrop of vegetation, the display would not appear unduly elevated or prominent or cause a serious degree of visual intrusion into the street scene, nor would it add significantly to the levels of existing street furniture and advertisements.

11. This area is likely to remain busy well into the evening and there would be various sources of illumination hereabouts. The sign's luminance would be neither obtrusive nor unduly prominent. In any event, the brightness and illumination of the sign would be controlled by an ambient light sensor system to recognised industry standards and the rotational nature of the advertisements to be displayed would be well measured. The amenity of the area would not be harmed by these aspects.
12. Therefore, I do not find conflict with the advertisement guidance as set out in the Framework or Policy DP9 of the East Staffordshire Local Plan (2015) which sets out the criteria for advertisements to be acceptable.

Conditions

13. The Council suggested a number of conditions other than the five standard conditions to be imposed in the event of the appeal succeeding. I have taken these into consideration and imposed a number of additional conditions, to include control of illumination levels during twilight and the hours of darkness and advert duration and transition, secure the provision of an inbuilt ambient light sensor and a mechanism to turn off the display in the event of a malfunction and to prevent moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
14. I consider these 5 additional conditions should be imposed because they are necessary in the interests of amenity. They are also now commonplace for this type of digital display.

Conclusion

15. Having regard to all other matters raised in the written material before me, I have reached the conclusion that the appeal should be allowed.

Paul Cooper

INSPECTOR