
Appeal Decision

Site visit made on 24 January 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/J0540/Z/16/3164073

Land Adjacent Unex House, Bourges Boulevard, Peterborough PE1 1NG

- 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 8 Outdoor Media Ltd against the decision of Peterborough City Council.
 - The application Ref: 16/01684/ADV, dated 24 August 2016, was refused by notice dated 7 November 2016.
 - The advertisement proposed is a freestanding, double-sided LED digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The reason for refusal states that the proposed advertising would be contrary to development plan policy. Whilst I have taken this into account as a material consideration, the powers to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) may only be exercised in the interests of amenity and public safety. Consequently, I have taken these policies into account as a material consideration only insofar as they are relevant.

Main Issues

3. The main issues are the effect of the proposed advertisement on highway safety and the character and appearance of the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of the City Centre Conservation Area.

Reasons

4. The appeal site is located immediately adjacent to an office building on an approach to a large roundabout that has five junctions, two of which are associated with busy arterial routes leading into the centre of Peterborough. The roundabout has a vegetated, sunken area that enables pedestrian access between the surrounding areas and the city centre. The proposal comprises a freestanding, double-sided LED digital advertising display. It would have a height of approximately 7 m and a width of approximately 6.5 m, including the frame. It would have a maximum luminance of about 300 cd/m² and would change no more than once every 10 s with an approximate transition time of 1 s.

Highway safety

5. I observe from the plans and my site visit that the massing of the proposed advertisement would be such that it would occupy a significant proportion of the field of view of northbound motorists as they approach the roundabout. As such the distraction caused by the structure would increase the likelihood of collisions with both breaking and stationary traffic given the vivid nature of the display and the fact that the images would change. Whilst only a snapshot, I observed that the display would be visible on approach for greater than 10 s during peak morning traffic flow. Consequently, the assimilation of the advertising material would not be possible because it would change during this approach thus necessitating either prolonged or multiple views of the display.
6. I observed that southbound motorists entering the roundabout from either the A15 or Thorpe Road would be confronted at a much later stage as they are in the process of negotiating the roundabout. This would be no less perilous as the vivid massing of the display looming into their field of view would cause a significant distraction. This would not only increase the likelihood of collisions with vehicles emerging from the Queensgate and Cowgate junctions but also other cars that are already manoeuvring on the roundabout. The highly dynamic nature of the traffic flow under such circumstances and need for increased observation is such that the display would be highly inappropriate and wholly incompatible with the safe operation of the highway.
7. The appellant is of the opinion that there should be a 'presumption of need' at the appeal site and that advertising is an unproven road safety hazard. However, the appellant has offered no policy or regulatory basis for a presumption of need at this particular location and I therefore find this view unfounded. Turning to advertising and road safety, I accept that I have no such evidence is before me but by the same token the appellant has failed to provide any substantiated evidence to the contrary.
8. Given the above, I conclude that the proposal would cause significant harm to highway safety to the clear detriment of public safety.

Character and appearance

9. The appeal site is in close proximity to the western boundary of the Peterborough City Centre Conservation Area (CA) which was designated in 1969 to encompass the whole of the city centre. A number of distinct character areas have been defined, the nearest of which is Cowgate, which forms one of the principal gateways into the city. It is characterised by commercial buildings dating from the late 18th and 19th centuries. These comprise three stories and are of brick construction with well-preserved classical detailing on their upper floors.
10. Whilst some views of iconic landmark buildings are possible to the west of the CA boundary, in the vicinity of Thorpe Road, its setting is largely constrained to its physical extent. This results from the relatively small scale of Cowgate in comparison to the large scale development that has occurred immediately to the north and west. As such its character and architectural charm is experienced at close quarters upon entering the street rather than from more distant viewpoints. Given that the display would be significantly offset from the entrance to Cowgate and set within the modern context of an office building

and dual carriageway, I am satisfied that it would not be detrimental to the setting of the CA.

11. Turning to the general matters of visual amenity, I accept that the display would be situated in a modern, commercial context. However, I observed that Bourges Boulevard has an uncluttered appearance with minimal signage and street furniture. The soft browns of the buildings and the extensive roadside vegetation gives rise to a pleasingly muted, restful appearance that counterbalances the more frenetic character of the road. This established character would be disrupted by the garish, advertising excess that would result from the substantial expanse of the proposed display. The appellant has stated that the advertisement would be a 'standard size and smallest common roadside advertising panel format'. However, this does not make it acceptable as each situation should be judged on its individual merits. Similarly, whilst the advice of the Planning Practice Guidance suggests that advertising in commercial areas is generally acceptable this is only when site specific, adverse effects are not present.
12. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the area to the clear detriment of visual amenity.

Other Matters

13. The appellant has drawn my attention to a number of other matters relating to the versatility of digital advertising, reduction in the extent of analogue advertising, customer needs and economic benefits. However, these matters fall beyond the scope of an appeal made under the Regulations and consequently carry no weight in the balance of this appeal.
14. The appellant is of the opinion that the display would improve pedestrian safety during the hours of darkness. However, I observed that street lighting is already present along nearby routes and have no substantiated evidence that the current level of illumination is deficient.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed because the advertisement would be detrimental to public safety and visual amenity.

Roger Catchpole

INSPECTOR