



Appeal Decision

Site visit made on 10 September 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/F3545/Z/19/3232644

Studlands Retail Park, Oaks Drive, Newmarket, Suffolk CB8 7SX

- 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 Mr Richard Page of Insite Poster Properties Ltd against the decision of West Suffolk Council.
 - The application Ref DC/19/0900/ADV, dated 3 April 2019, was refused by notice dated 12 June 2019.
 - The advertisement proposed is the erection of a 48-sheet digital advertising display.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Whilst the Council has drawn my attention to the policies it considers relevant to this appeal, and I have taken them into account as a material consideration, the Council's policies have not, by themselves, been decisive.

Main Issues

3. The main issue is the effect of the advertisement on amenity and public safety with particular regard to highway safety.

Reasons

Amenity

4. The appeal site is located in a mixed use area with residential properties to the north, open undeveloped land beyond the A142 to the east, and commercial uses to the west and south including a retail park.
5. The appeal sign would be located above an area of landscaping which lies between the car park to the retail park and the road traffic island which intersects both arms of the A142, Oaks Drive and Studlands Park Avenue.
6. The sign would be sited so it faces the traffic island and would be 6 metres wide by 3 metres high in size. It would be located on a pole structure which would raise the bottom of the advert to around 3 metres above ground level. Therefore, the top of the advert would be around 6 metres high from ground level.

7. Given the overall size and height of the advert, to my mind, it would be an extremely prominent feature at the side of the road to the extent that it would result in significant visual harm to the streetscene.
8. In coming to that view, I acknowledge that when viewed from the A142 it would be seen in the context of the retail park in the background. However, this does not overcome the fact that it would be overly prominent and would detract from the amenity of the area. Furthermore, the illuminated nature of the advert would add to the incongruity of the proposal.
9. I also acknowledge that the clean modern look of the advert structure and the fact that the advert panel would face away from the residential properties to the north weigh in favour of the proposal. However, these factors do not overcome the significant harm which I have identified above.
10. The Council have referred to Policies DM2 and DM38 of the Forest Heath and St. Edmundsbury Local Plan Joint Development Management Policies Document (2015) (JDMPD) and Policy CS5 of the Forest Heath Local Development Framework Core Strategy Development Plan Document (2010) (CS) in their amenity reason for refusal. These policies seek to reinforce local distinctives and seek to ensure that the overall design has regard to local context which should preserve or enhance the character and appearance of the area. To my mind, these policies are material in this case.
11. For the above reasons, the proposed advertisement would be detrimental to the interests of amenity. Consequently, the proposal would be contrary to Policies DM2 and DM38 of the JDMPD and Policy CS5 of the CS. It would also be at odds with the design aims of the Framework.

Public safety

12. The appeal sign is located in proximity to the traffic island and is angled in such a way that it is clearly designed to attract the attention of the occupiers of passing vehicles.
13. When travelling from the centre of Newmarket along the A142, the sign would come into view shortly before the traffic island broadly around the existing Burger King totem sign which is around 30 metres away from the traffic island itself. The appeal sign would be located slightly to the left of any drivers' line of vision and at a point where drivers should be concentrating on traffic on or approaching the island from the right-hand side.
14. When travelling towards the town centre along the A142 from the north, views of the advert would be at a similar distance to that possible from the south, with longer distance views being restricted by a highway tree. The advert would also be at an acute angle from the road until a vehicle would be almost at the traffic island itself.
15. Once at the traffic island, drivers would view the sign in the background to traffic travelling around the island in a direct line of vision. Given this line of vision, the advert would be highly likely to distract the attention of a driver at a time when it is vital that full concentration is given to traffic traversing the island.

16. Whilst the advert would not have moving images and would change only once every 10 seconds, it would nevertheless cause a distraction to drivers which would not be in the best interests of highway, and therefore, public safety.
17. For the above reasons the proposal would have a harmful impact on public safety and is also contrary to Policy DM38 of the JDMPD which amongst other matters seeks to ensure that proposals do not adversely affect public safety. It would also be at odds with the highway safety aims of the Framework.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR