



Appeal Decision

Site visit made on 16 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/N1160/Z/20/3250462

196 Albert Road, Plymouth PL2 1AL

- 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 Clear Channel UK against the decision of Plymouth City Council.
 - The application Ref 19/01467/ADV, dated 20 September 2019, was refused by notice dated 10 February 2020.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. As part of the appeal, plans were provided showing the replacement advert repositioned to the left of the existing advert. Where amendments are proposed, regard should be had to the 'Wheatcroft'¹ principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. As the plan details minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the amended plans into account. I shall therefore determine the appeal on the basis of the plans referred to on the decision notice, as well as the amended plan submitted as part of the appeal.

Main Issue

2. The main issue is whether the proposal would prejudice highway safety.

Reasons

3. The existing poster advertisement hoarding is situated on the flank wall of a terrace of buildings fronting Albert Road and adjoining Garden Street, the latter of which is a dead end. The advert comprises a 48-sheet poster display and has a single light illumination from above. It faces in a westerly direction and is predominantly visible to road users travelling uphill in an easterly direction.
4. In the vicinity of the advert, there is a bus lane to the left, a carriageway for continuing 'straight on' along Albert Road, and a right turn lane into Park

1. Wheatcroft Ltd V SSE [1982]

Avenue. The bus lane merges into the carriageways immediately before the signal stop line. There is also a short section of cycle lane between the carriageways leading to an Advance Stop Line (ASL) for cyclists. The signal phases on this approach varies between 'all stop', 'all go' (straight ahead and right turn) and 'straight ahead only'.

5. The proposal seeks to change the advert from a poster display to an internally lit digital display which would change every 10 seconds. The images in each advert would be static and there would be no flashing, fade or swipe effects between adverts. Following on from a Road Safety Audit (January 2020) (RSA) and Highway Safety Addendum (January 2020) (HSA), it is also proposed to shift the position of the advert further left on the flank wall (as detailed in the amended plans) to minimise conflict with the nearby signal heads, particularly in low light conditions.
6. Whilst it may be inherent in the proposal for a 'digital display' to have rotating images, the RSA brief does not mention the interval between the rotation of the images in relation to the signal phases and whether in the context of the site, a 10 second or lower frequency of change would be safer to accord with relevant best practice. From my own observations, there is the potential that drivers would see up to three adverts whilst at various points along the approach to the signal heads, which may result in increased driver distraction whilst anticipating further change, or 'eye dwell' as detailed in the evidence.
7. I note the content of the RSA and HSA which assess the position of the advert in relation to a range of driver positions within the nearside straight ahead lane (Albert Road straight ahead lane). However, it is conceivable that drivers in the offside 'right turn' lane would also be drawn to view the advert unless in the event that it were obscured by a high-sided vehicle. From the limited evidence before me, I cannot be certain that the full range of users of the junction would be capable of processing the advert and the signal changes at all times, even if the luminance levels are capable of being adequately conditioned.
8. I am mindful of the absence of accident data relevant to this arm of the junction and the period of time over which it appears that the existing advert has been in situ. The suggested controls on luminance levels and repositioning of the sign are also matters to which I have given full consideration. However, notwithstanding these factors, the nature of the advert would be different and I consider that the cognitive demands at this particular junction arrangement are such that any increased driver distraction would present increased risks to highway users, the effects of which do not appear to have been comprehensively explored.
9. A number of examples of approved digital adverts have been put forward but, in my view, none of the highway layouts precisely replicate the layout of this particular junction. In this case, the addition of the bus lane which allows a merging bus to proceed either straight ahead or right, the central position of the cycle lane and ASL present additional cognitive demands at this particular junction that do not appear to feature in the other examples provided.
10. Additionally, though it has been cited that the proposal would be less distracting than a traditional scrolling billboard, there is no cogent evidence to suggest that the advert would be replaced in this manner as an alternative to the current proposal.

11. I have considered the suggested environmental benefits that would allegedly accrue from upgrading the advert to a digital display, in relation to waste avoidance and the reduction in the need to travel. Neither these or the increased revenue and business rates from the advertisement sufficiently outweigh the identified harm to users of the highway.
12. In view of this main issue, based on the evidence before me and in taking precautionary approach, the proposal would prejudice highway safety contrary to, in particular, Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) which, amongst other things, seeks to contribute positively to the achievement of a high quality, effective and safe transport system. For similar reasons, the proposal would also be contrary to policies of the National Planning Policy Framework (2019), in particular, paragraphs 109 and 132, which seek to control advertisements in the interests of avoiding unacceptable impacts on highway safety.

Conclusion

13. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR