



---

# Appeal Decision

by **M L Milliken BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 06 July 2020**

---

**Appeal Ref: APP/J0540/Z/20/3245025**  
**609 Lincoln Road, Peterborough PE1 3HA**

- 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 Peterborough City Council.
  - The application Ref 19/01577/ADV, dated 10 October 2019, was refused by notice dated 5 December 2019.
  - The advertisement proposed is replacement of existing advertisement with a digital poster.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. In light of the COVID-19 situation it has been necessary for Inspectors to consider alternative arrangements to routine site visits, including the possibility of determining some appeals without a site visit. Having sought the views of both parties, and considered the evidence already before me, I am satisfied that the appeal can be determined without the need for a site visit. I am therefore proceeding on that basis.

## Main Issues

3. The control of advertisements is exercisable only with respect to public safety and amenity. The main issues in this appeal are the effect of the proposal on local highway and pedestrian safety, and the effect of the proposal upon local visual amenity.

## Reasons

4. The appeal site is located adjacent to Lincoln Road, close to a number of ground floor commercial uses, with residential units above. The area surrounding the appeal site appears to generally comprise mixed use and form. The appeal site is not subject to any historic environment designations.
5. The proposed illuminated display would be located adjacent to the highway. The appeal site is located close to the approach of a set of junctions, and the stretch of Lincoln Road to which the appeal site relates is often busy during peak periods. A flared bus lane is also present adjacent to the appeal site.
6. In accordance with the Regulations, I have taken into account the provisions of the development plan to the extent they may be material. Of particular relevance to the appeal proposal are Policies LP13, LP16 and LP17 of the

adopted Peterborough Local Plan DPD (2019), which relate to the impact of proposals on the transport network, ensuring that new development is of good design and the protection of amenity for existing occupiers respectively.

7. Whilst there is already an advertisement board in situ at the appeal site, due to its digital and illuminated nature, the proposal does not comprise a direct 'like-for-like' replacement. The proposal would involve static images on rotation and whilst the level of illumination would be controlled by light sensors, there could be an increased likelihood of driver and pedestrian distraction as a result of the proposal, due to the changing imagery and illuminated nature of the display. A formal assessment of the proposal has been provided by the Local Highway Authority and I note their objection. Little contradictory evidence has been put forward by the appellant and I am therefore not satisfied that, given local highway conditions and the proximity of busy junctions, there would not be an adverse effect on public safety as a result of the proposal. I therefore find clear harm in this regard.
8. By virtue of its illuminated nature, and with reference to its scale, the proposed display would not be in keeping with the character of the local area and would appear discordant and visually disruptive in the wider street scene.
9. The illuminated display would be located perpendicular to adjacent buildings and below the bottom windowsill height of the adjacent residential apartments. However, by virtue of its size and illuminated nature, it would be particularly apparent during the hours of dusk and darkness and during the winter months. The appellant asserts that the local area is well-lit during non-daylight hours from sources such as streetlamps, however such lighting is at a much-reduced scale from the proposal. Whilst a modest separation distance exists between the residential apartments and the illuminated display, a field of view would still be present, together with the possibility of incidental glare. It would therefore still be located within sufficient proximity and at a scale which could cause unwanted distraction and annoyance for existing residents. Whilst not at a scale comparable to the effect on public safety, the proposed display would therefore also have an adverse effect on amenity for the reasons given and I therefore find some harm in that regard.
10. The potential for matters such as the level of illumination and hours of operation to be subject to planning condition have been considered, however this does not affect my findings in relation to the main issues. I note references made to advertisements permitted elsewhere in the UK, however I consider that there is a lack of evidence before me to render such references directly comparable to the proposal, in terms of its immediate location and nature of the development proposed.
11. The intention to modernise the existing advertisement is noted. Whilst I have had regard to a number of other matters raised by the appellant, including the potential for the new display to be more sustainable, better maintained, the potential for economic benefits and the potential for it to be used for charitable advertising, my duty is to look at the matters of public safety and amenity. Whilst I acknowledge there would be some similarity with the existing display, in terms of both siting and scale, the proposal does not, in terms of its impact, represent a 'like-for-like' replacement given its illumination and non-static content. For reasons already stated, it would have an adverse effect on public

safety and amenity, which would not be out-weighed by any other factors put forward in justification.

12. Overall, I find that the appeal proposal would have an adverse effect on public safety and amenity and would also therefore conflict with the relevant development plan policies. It would also be contrary to the provisions set out in paragraph 132 of the National Planning Policy Framework, which seeks to ensure that such displays are well-sited and designed, in the interests of amenity and public safety.

### **Conclusion**

13. I conclude that the appeal should be dismissed.

*M L Milliken*

INSPECTOR