



Appeal Decision

Site visit made on 17 November 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/B2002/Z/20/3257813

Royal Oak Chambers, 190 Victoria Street, Grimsby DN31 1NX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Roy Foreman and Co. Solicitors against the decision of North East Lincolnshire Council.
 - The application Ref DM/0454/20/ADV, dated 5 June 2020, was refused by notice dated 12 August 2020.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn my attention to policies it considers relevant to this appeal and I have taken them into account as a material consideration though they have not, by themselves, been decisive in reaching my determination.

Main Issues

4. The main issues are: (1) The effect of the advertisement on the visual amenity of the area, and (2) public and highway safety.

Reasons for the Recommendation

Visual Amenity

5. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For

example, whether the proposed hoarding would be in scale and keeping with important features.

6. No.190 is a two-storey end-of-terrace mock Tudor style property which is used as an office building. The proposed single illuminated 48-sheet digital advertisement display would be placed at the height of the first floor of the south facing gable wall of this property. There is no existing advert on this wall which has wooden batons, an air-conditioning unit and ducting, a satellite aerial dish and junction boxes and cabling.
7. The surrounding area is commercial in nature. The opposite side of the road comprises large buildings such as Home Bargains and a B&M Homestore and the terraced block of which the appeal property is a part accommodates a number of commercial units with traditional shop front signage on the façade. The larger units on the opposite side of the street have signage of different sizes including large illuminated signs at high level. These contribute to the established character of this commercial area.
8. Whilst it would be designed to draw the eye at a busy junction, the proposed digital display would not appear unusual or out of place within the context of the existing illuminated signs within the streetscape, particularly when viewed from either Peaks Parkway or Victoria Street South. It would remain set back against a background of visually prominent and large commercial premises with high-rise multi-storey telephone exchange. The appellant affirms that the proposed levels of digital illumination would be in line with the Institute of Lighting Professional Guidance (ILPG) and these levels have not been disputed by the Council.
9. The digital advertisement the panel would be a singular advertising item on the gable wall of 190 Victoria Street and would not be out of scale with the host building. It would only be viewed in a localised area from the junction area of Victoria Street and Ellis Way and I am satisfied that the introduction of one additional sign would result in an unduly cluttered appearance.
10. Accordingly, the proposed advertisement would not affect visual amenity nor, by reason of its size, position, illumination, have a materially greater impact on the visual amenity or the character of the area as the displays already in place. The general interests of amenity would be upheld. Account has been given to paragraph 132 of the NFFP and Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (2018). Given that it is concluded the proposal would not harm amenity, the proposal does not conflict with these in this regard.

Public and highway safety

11. The digital advertisement would first become visible to drivers on northward approach from Peaks Parkway at the junction entering, Victoria Street and from both directions on Ellis Way. Drivers have to negotiate turning into Victoria Street from Ellis Way in both directions and vice versa. The advertisement would in direct line of sight of those turning into Victoria Street from west of Ellis Way. Vehicles exiting this street would be aiming to merge onto Victoria Street, or to cut across the main highway onto the other end of Ellis Way. Multiple movements are likely at this multiple junction which creates quite a complex road layout where drivers undoubtedly need to exercise caution and have heightened awareness regardless of traffic signal controls.

12. There is a relatively large volume of vehicular and pedestrian traffic at these junctions, as observed during my visit to the site. The digital display of the proposed advertising is by its very nature designed to grab the attention of passers-by whether they be drivers or pedestrians. Given the location of the advertisement facing oncoming traffic at a sensitive point in the highway, I find that there is a reasonably likelihood that drivers would be distracted in trying to figure out the advertising content as they approach. Even though the display would not show moving images, the illuminated digital content is likely to draw more focus and has more potential to catch the eye of a driver than the other signage.
13. Even a fleeting and inadvertent glance across at the display could have negative consequences in terms of the impaired ability to notice a change in traffic signals or vehicles ahead slowing down to turn into Victoria Street. Consequently, given the location of the proposal, I find a strong likelihood that it would distract drivers at a key junction where added concentration is required.
14. The appellant argues that a similar proposal was allowed by the Council at the back of the private car park to the eastern end of Victoria Street close to where it joins Frederick Ward Way and Peaks Parkway. While Council decisions are a matter for it, my observation is that the same safety considerations do not apply. This is because the advertisement being referred to would only be viewed by drivers heading west on Ellis Way and is a further distance from the junction. Drivers are likely to have cleared the junction before the advert becomes more visible, which is in contrast with the appeal proposal. Consequently, the two examples are not directly comparable, and the evidence provided in relation to those schemes does not alter my concern about the impact of a digital display at the appeal site.
15. I conclude, therefore, that the advertisement would have a harmful effect on highway safety. Whilst not decisive, the proposal would not meet with the objectives of the National Planning Policy Framework nor Policy 22 of the North East Lincolnshire Local Plan 2013-2032 (2018) which amongst other things seeks to ensure that for express consent to display advertisements respects the interest of public safety.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR