
Appeal Decision

Site visit made on 25 January 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/D1780/Z/20/3260341

Marlands Shopping Centre, Portland Terrace, Southampton SO14 7FJ

- 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 Alex Simpson, Bee Outdoor against the decision of Southampton City Council.
 - The application Ref 20/00755/ADV, dated 11 June 2020, was refused by notice dated 5 August 2020.
 - The advertisement proposed is wall mounted advertising screen.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposal on the amenity of the area including the character and appearance of the host building and on public safety, in particular highway safety.

Reasons

Amenity

4. The appeal site comprises the Marlands Shopping Centre, located within the city centre on a prominent corner at the junction of Civic Centre Road and Portland Terrace. The road junction is a busy intersection, Havelock Road joins it from the north and Western Esplanade joins from the west. The substantial Grade II* listed Civic Centre lies approximately 90 metres to the north of the site, on the opposite side of Civic Centre Road, which is a wide road by virtue of it having multiple lanes in both directions. Thus, although the appeal site lies within a commercial area it is also located in proximity to the municipal part of the city.
5. The building that the screen would be attached to is three storeys in height at the road frontage. It has a modern appearance formed by well-proportioned

concrete columns and bands infilled with red brick and aluminium framed glazing. The fenestration of the building is uniformly spaced and aligned and the scale and position of the existing external fascia signs respect the size and alignment of the architectural features of the building. In this regard, the signs reflect the character and appearance of most other modest and well-proportioned fascia signage attached to other commercial buildings in the surrounding area.

6. While advertising at the Marlands Shopping Centre is commonplace, the proposed screen, as a result of its size and position, would fail to align with the concrete band features of the building. A building's fenestration is an important component in defining its visual and architectural character. Owing to its disproportionate size and position, the screen would fail to respect the fenestration of the building. Overall, due to its height above the ground and its size and position, the screen would represent a dominant and inharmonious feature that would disrupt the balanced and symmetrical appearance of the building's façade. It would appear as an awkward appendage to the north-west corner of the building. Consequently, for these reasons the screen would cause harm to the character and appearance of the building and surrounding area.
7. The proposed LED screen would be illuminated 24 hours a day and would face towards the main routes into the city, along Western Esplanade and Havelock Road. As it gets darker the screen brightness would reduce. Although it would not face directly towards the listed Civic Centre and notwithstanding the distance involved, the illuminated screen would still be visible, albeit at an angle, from views out of the Civic Centre and its surroundings. The presence of the car park at the front of the Civic Centre building and the intervening road would not limit to any great extent the views of the screen from the main public entrance of the listed building or from its immediate environs. Furthermore, the screen would be visible in views flanking the listed building southwards along Havelock Road and eastwards when approaching Civic Centre Road along Western Esplanade. Consequently, by reason of its size, siting and illumination, the proposed screen would be visually intrusive and would therefore harm the setting of the Grade II* listed Civic Centre building and fail to respect the historic and cultural character of this municipal part of the city.
8. The frame for the screens would be fixed to a relatively narrow steel primary frame that would be attached to the recessed concrete / brickwork of the building by use of chemical anchors (or similar). I have not been presented with any substantive evidence that such a fixture and fitting system would be particularly noticeable within the streetscene or appear incongruous in relation to the character and appearance of the host building. Therefore, I find no harm in this regard.
9. However, overall, for the reasons set out above, I conclude that the appeal proposal would have a harmful effect on amenity.
10. As such, it would conflict with saved Policies SDP7(iv), SDP24 and HE3 of the City of Southampton Local Plan Review (2015) (LPR); Policies CS13 and CS14 of the Core Strategy Development Plan Document (Amended 2015); and Policy AP16 of the City Centre Action Plan (2015), which seek to protect amenity and so are relevant in this case. For the same reason, the proposal would be

contrary to the provisions of paragraph 132 of the National Planning Policy Framework (the Framework).

Public safety

11. The appellant contends that the Transport for London (TfL) 'Guidance for Digital Roadside Advertising and Proposed Best Practice' 2013 is considered a good framework for assessing the suitability of sites for digital roadside advertising, and if the proposed development is acceptable under this guidance then it should be acceptable from a highway safety aspect.
12. The TfL guidance states that at locations with increased driver cognitive demand, which I consider the appeal site to be given that it is located adjacent to a busy intersection, should be subject to a detailed assessment. It goes on to state that an assessment method similar to that adopted by TfL (as set out in Appendix A of the guidance document) should be used to assess the appropriateness of the location and the level of risk in a methodical rather than subjective manner. However, the appellant has not presented me with any such detailed assessment to demonstrate that the proposed development would be acceptable in terms of highway safety.
13. The Council argue that due to the amount of carriageway with numerous arms and lanes contained within the road junction, the pedestrian environment is poor, and the distraction caused from the siting and scale of the proposed LED screen would pose significant risk to the safety of pedestrians using the road crossings within the vicinity of the site.
14. I observed that the crossing points are convoluted, with no dedicated pedestrian phases for pedestrians crossing the multiple lanes of Civic Centre Road and Portland Terrace. It is unclear when it is safe to cross and, as I experienced at first hand, it is difficult to know where traffic is coming from for people who are unfamiliar with the busy intersection with numerous traffic arms. I also observed that for pedestrians crossing Civic Centre Road, from north to south close to the Civic Centre car park entrance, visibility of oncoming traffic from Havelock Road is to a degree restricted as a result of the combination of the curve in the road and the trees within the grounds of the Civic Centre. Whilst at the time of my site visit the trees were denude of leaf and so visibility was less restricted, this would not be the case when the trees are in full leaf. To my mind, overall, for these reasons, the road environment in proximity to the proposed advertisement is somewhat complex for pedestrians. Therefore, it demands considerable concentration for pedestrians when using the road crossings.
15. It is acknowledged that the proposed screen would only show two-dimensional static imagery, with no moving images or imagery representing road signage, and would not obstruct any road crossing signage. However, I am not persuaded that the LED screen, sited in a location to attract maximum attention for drivers and pedestrians alike, would not cause distraction at a time when pedestrians were crossing wide roads with no dedicated pedestrian phases. In a location where the pedestrian environment is generally poor, it seems to me that there is quite enough for pedestrians to concentrate on in terms of checking for oncoming traffic from numerous arms and lanes without the further added distraction of the proposed advertisement. Consequently, I consider that the proposed LED screen is highly likely to have a significant adverse impact on highway safety and is therefore unacceptable.

16. For the reasons set out above, I conclude that the appeal proposal would be detrimental to the interests of public safety. As such, it would conflict with saved Policies SDP1(i) and SDP24 of the LPR which seek to safeguard public safety and so are relevant in this case. For the same reason, the proposal would be contrary to the provisions of paragraph 132 of the Framework.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR