



Appeal Decision

Site Visit made on 19 January 2021

by P Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16/02/2021

Appeal Ref: APP/U2615/Z/20/3259083

Land at Junction Pasteur Road and Southtown Roads to Left, Advertising Right, Pasteur Road, Great Yarmouth, NR31 0DS

- 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 Wyse Media UK Limited against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/20/0252/A, dated 26 May 2020, was refused by notice dated 6 August 2020.
 - The advertisement proposed is the replacement of 1 no. 96-sheet, 1 no. 64-sheet, and 1 no. 48-sheet advertising displays with 2 no. 48-sheet digital advertising displays.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are effects of the proposal on:
 - Public safety; and
 - The amenity of the area.

Reasons

Public safety

3. The appeal site comprises an existing arrangement of 3 no. advertisement display boards located on an area of grassed open space at the junction between Pasteur Road and Southtown Road. The boards appear to form a 3 sided structure with the largest display (96 sheet size) visible to north east bound traffic with the two smaller displays (1 no. 64 sheet and 1 no. 48 sheet) positioned on the reverse and visible to traffic from Southtown Road and south-west bound traffic on Pasteur Road. The proposal would replace the existing paste and paper displays with 2 no. 48 sheet digital advertising displays.
4. Pasteur Road is a dual carriageway in the vicinity of the proposed site and a speed limit of 30 miles per hour is in place. The junction itself is signalised and appeared to be moderately trafficked at the time of my visit which took place outside of peak hours and during a further period of national lockdown caused by the ongoing coronavirus pandemic. As such, traffic volumes in peak hours and outside of a lockdown period are likely to be higher. The positioning of the advertisement display on the south west elevation would be slightly forward of the traffic signals. The proposed advertisement display on the north east elevation would be visible to vehicles heading south west bound across the junction. The display on the north east elevation would be seen by traffic

behind the traffic signals, effectively forming part of the background. Their siting would result in the proposed displays being in a highly prominent position on the junction approach at a point where vehicles on the carriageway would be slowing down either as the traffic signals change or when entering the filter lanes. As such, the proposal would be in a location where I consider drivers would need to take extra care due to the nature of the junction, with the proposed north east display positioned in a manner that would hinder the interpretation of the traffic signal.

5. The proposal would replace the existing paper advertisements with smaller illuminated digital boards that change to different advertisements. There did not appear to be any similar illuminated display advertisements to the appeal proposal in the immediate vicinity, and any advertisements that may be illuminated appeared to be fixed signage on existing buildings such as that on the retail premises opposite the site. I consider that the introduction of illuminated displays could distract driver's attention from the traffic signals due to their positioning on a key junction. I consider this distraction could result in vehicles failing to adhere to the traffic signals or divert attention when slowing or stationary traffic resulting in potential collisions.
6. The appellant has indicated the change between advertisements would only take 0.1 seconds and would not include any animation or special effects which could be secured by conditions. However, I consider the proposed conditions would not address my concerns due to the position of the proposed advertising display in relation to the position of the traffic lights in combination with the frequency of advertisement changes.
7. The appellant has also suggested that a condition could be imposed which would specify a minimum duration of 10 seconds for an advertisement to be displayed. However, this could still result in a significant number of changes to the displayed advertisement during the time in which vehicles would approach the junction or be waiting for the traffic signals to change. As such, I consider the condition would not be sufficient to mitigate the likely distraction to drivers and the harm to that I have identified.
8. In light of the above, I conclude that the proposed advertisement displays by virtue of their siting and nature of changing digital advertisements displayed would result in harm to public safety. I have taken into account policy CS16 of the Great Yarmouth Local Plan Core Strategy (2015) ('the GYCS') which seeks to ensure new development does not have an adverse impact on the safety and efficiency of the local road network and so is material in this case. Given I have concluded that the proposal would harm public safety, the proposal conflicts with this policy.

Amenity

9. The area in the vicinity of the site has a mixed character including commercial and residential properties. The proposal would be visible to a number of residential properties including flats above retail premises at Southtown Road as well as residential properties at Plevna Terrace. Although the area has some existing streetlighting and some fixed signage on retail premises, the proposed advertisement displays would nonetheless increase the overall level of lighting in the area. Whilst the appellant has indicated that they do not consider residents would be able to view advertisement content, oblique views of the

displays would still be possible, particularly from the property at the north end of Plevna Terrace (no.1 Plevna Terrace) which has side windows at first floor level. I consider that during low light conditions and at night, the continued illumination of the displays along with the changing of advertisements would likely result in an unacceptable level of disruption to occupants due to illumination.

10. The appellant has indicated that a condition could be imposed to control the level of illumination of the proposed displays. Whilst the condition may be able to limit the overall level of illumination, I do not consider that the proposed condition would be sufficient to address the disturbance caused by the frequency of changes between the advertisements displayed. Although the appellant has indicated the change would effectively be seamless, the proposed condition would only require advertisements to be in place for a minimum of 10 seconds. As such, due to the potential frequency of advertisement changes, I consider the proposal would result in an unacceptable level of disruption to nearby residential properties.
11. The appellant has indicated that the proposed design of the displays would represent an improvement to the visual amenity of the area by replacing the existing paste and paper displays. The proposed digital displays would each be mounted on a single pillar structure which would allow some inter-visibility for traffic and pedestrians between the grassed area where the displays would be sited and the adjoining roads and pavements. However, the existing displays are in a good state of repair and are of simple design and do not detract from the overall character of the area. Whilst the proposal would have a more contemporary appearance, I consider this would have a neutral effect on amenity having regard to the existing character and appearance of the area.
12. In light of the above, I conclude that the proposed advertisement displays would, by virtue of their siting, illumination and the frequency of changes between advertisements displayed, result in harm to amenity. I have taken into account policy CS09(F) of the GYCS and saved policy BNV22(D) of the Great Yarmouth Borough-wide Local Plan (2001) which respectively seek to protect the amenity of existing and future residents from factors such as light pollution, and that advertisements should not be unreasonably visually obtrusive and so is material in this case. Criterion(E) of BNV22 relates to advertisements in Conservation Areas and as there is no evidence to indicate the proposal is within a Conservation Area, this criterion is not relevant. Given I have concluded that the proposal would result in harm to amenity, the proposal nonetheless conflicts with these policies.

Conclusion

13. For the reasons given above, I conclude that the proposal would be harmful to public safety and amenity and therefore the appeal is dismissed.

P. Mileham

INSPECTOR