



Appeal Decision

Site visit made on 16 February 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2021

Appeal Ref: APP/H2733/H/20/3263240
73 Victoria Road, Scarborough YO11 1SH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
 - The appeal is made by Mr Graeme Hughes (Alight Media Ltd) against Scarborough Borough Council.
 - The application Ref 20/01230/AA, is dated 24 June 2020. The advertisement proposed is 1 x 48 sheet gable mounted digital advertising display unit, measuring 6.2m wide x 3.2m high, and comprising pressed metal frame with sealed LED screen.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal results from the failure of the Council to determine the application within the statutory timescale. The Council provided no Statement of Case. As such, I have progressed the appeal on the basis of the evidence provided.

Main Issues

3. The main issues are the effect of the proposal on amenity and public safety.

Reasons

Amenity

4. The area is a commercial part of Scarborough town centre at the busy vehicular crossroads of Northway and Victoria Road. The appeal site is the gable end of a three-storey commercial building that faces onto Northway. The gable end is clearly visible from three of the junctions at the crossroads.
5. The proposed advert would be elevated above ground floor level and would occupy the majority of the width of the side elevation. Due to its proposed internally illuminated digital display and conspicuous siting on this prominent gable, it would be highly visible from a number of directions and beyond the immediate area.
6. Whilst the area is commercial in context, signage here is associated with these businesses. Furthermore, save for the supermarket at Brook Street, adverts located at the immediate road junction are low level and unobtrusive in nature,

with limited signage above first floor level. Furthermore, illuminated signage is not a prevalent characteristic of the area.

7. In this proposed location, the advertisement at the height and scale proposed, with high definition resolution, would introduce a new and discordant feature into the surroundings. It would appear as an incongruous feature that would cause harm to the amenity of the area.
8. The other 48 sheet advertising boards brought to my attention may be located in Scarborough's town centre, however they are not located close to this junction and are not LED screens. On this basis, I apply limited weight to these examples.
9. I therefore conclude that the proposal would have a harmful effect on amenity and so would not accord with the amenity protection aims of the National Planning Policy Framework (the Framework).

Public Safety

10. A significant volume of traffic flows through the area given its commercial status. As it is highly trafficked, it is controlled by traffic light signals to all four junctions.
11. The Council provided details of an accident at the junction in recent years. Irrespective of the reasons for the accident, and whether or not it has been included within the Crash Map incidents data, it has been recorded as a road traffic collision by the Highways Authority.
12. As the advertisement has been designed as an LED digital display and would be large in scale and positioned at a raised level, it would draw the eye towards it. The crossroads has a series of four junctions and not all allow two-way traffic. Therefore, given this, and the volume of traffic through the junction, it requires a good level of concentration from the driver to navigate the road system. The proposed advertisement would have the effect of distracting the driver.
13. I note the appellant's comments regarding another appeal decision. However, that decision was not at the same site and, in any case, I am required to consider the proposal before me. Furthermore, notwithstanding the findings of studies regarding adverts and collisions, this does not alter my decision based on the particular circumstances of this case.
14. Therefore, to conclude, the proposal would have a harmful effect on public safety and would conflict with the Framework in its objective to promote public safety.

Other Matters

15. I appreciate the benefits of digital advertisements and their economic role and business rates revenue they can generate, however these benefits do not outweigh the harm I have identified. There is little information submitted regarding digital displays and their particular association with 'visitor experience' for me to give more than limited weight to the appellant's comments on this matter.
16. Complaints regarding the Council's service should be in the first place directed to the Council, and is not within my jurisdiction to comment upon.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal is dismissed.

Alison Scott

INSPECTOR