



## Appeal Decision

Site Visit made on 8 June 2021 by Emma Worby BSc (Hons) MSc MRPTI

**Decision by Martin Seaton BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 July 2021**

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**Appeal Ref: APP/Y2620/Z/21/3268114**

**Land at Station Road, Cromer, NR27 9HF**

- 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 Wildstone Group Limited against the decision of North Norfolk District Council.
  - The application Ref ADV/20/1701, dated 11 September 2020, was refused by notice dated 11 December 2020.
  - The advertisement proposed is the upgrading of advertisement hoardings to digital display of static, internally illuminated advertisements.
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### Decision

1. The appeal is allowed and express consent is granted for the upgrading of advertisement hoardings to digital display of static, internally illuminated advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The illumination of the proposed advert visible from the carriageway shall not be of a flashing type and the images should be static. There shall be no moving images or sequencing of images over more than one advert. The images shall not change more frequently than every 10 seconds and the change in images shall take place instantly.
  - 2) The maximum luminance from the sign or advertisement shall not exceed the value of 600cd/m<sup>2</sup> during daylight hours and 300cd/m<sup>2</sup> during evening/night-time hours.

### 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. The appeal site address has been taken from the appeal form rather than the application form as it provides a more accurate description of the location. The description of the advertisement proposed has been taken from the Council's decision notice as this was not provided on either the application or appeal forms.

### Main Issue

4. The main issue for the appeal is the effect of the proposal on public safety.

## **Reasons for the Recommendation**

5. The appeal site is located on the junction of Norwich Road and Station Road and is currently occupied by two billboard style advertisements which have external illumination. The proposal would replace these billboards with one internally illuminated digital hoarding.
6. Due to the positioning of the proposed advertisement it would be prominent and visible to all road users travelling in both directions on Norwich Road and Station Road. These roads are relatively busy routes with a steady flow of traffic, and the junction is well used. However, apart from being located on a slight bend, there are no pedestrian crossings, traffic lights or other features which would put further pressure on the driver. There are also currently two billboards in this location, and although they are static, are illuminated and provide two locations for advertisements.
7. Although the advertisement would change every ten seconds, due to the limited time spent at the junction, the driver would be unlikely to see more than two advertisements at a time. Therefore, although in a prominent position, the limited time along with the relative simplicity of the junction with little other challenge, would ensure that the proposal would not cause a significant distraction to highway users and would not impede the free flow of traffic or harm public safety.
8. It is noted that a two second fade between advertisements has been requested by the Council. However, no evidence has been provided to show why this would distract a driver less than an instantaneous transition, and I am not persuaded that this would be necessary to ensure public safety.
9. In conclusion, as the proposed advertisement would not harm public safety, it would not conflict with paragraph 132 of the National Planning Policy Framework or The Town and Country (Control of Advertisements) (England) Regulations 2007 (as amended) which state that advertisements should be subject to control in the interests of amenity and public safety.

## **Other Matters**

10. Third party representations highlighting the high electricity use of such digital hoardings are noted. However, matters other than amenity and public safety cannot be taken into account when considering advertisement applications.

## **Conditions**

11. Along with the five standard conditions set out in the Regulation, I have also imposed an additional condition which require the advertisements to be static, to not change more frequently than every ten seconds and for these changes to take place instantly to ensure public safety. As stated above, a two second fade suggested by the Council is not necessary.
12. A condition to restrict luminance has also been included. The maximum luminance during the night was suggested by both parties and a maximum level of luminance during the day has also been included, as suggested by the Council, to ensure that the advertisement is not excessively bright and that the condition is precise. The appellant confirmed that they would be happy to accept such a condition in an email sent to the Council on 23 October 2020 as shown in Appendix 2 of the Appellant's Statement.

### **Conclusion and Recommendation**

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

*Emma Worby*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Martin Seaton*

INSPECTOR