
Appeal Decision

Site visit made on 6 July 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/V1505/Z/21/3267592

Land adjacent to Southend Arterial Road, Basildon, Essex SS14 3JN

- 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 Synergy Media Holdings against the decision of Basildon Borough Council.
 - The application Ref 20/01335/ABAS, dated 26 October 2020, was refused by notice dated 18 December 2020.
 - The advertisement proposed is described as "a traditional billboard advertising display comprising one 96 sheet panel and one 48 sheet panel at roadside".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply to advertisements. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations') makes it clear that advertisements are subject to control only in the interests of public safety and amenity.
3. The Council refers to the Basildon Borough Revised Publication Local Plan 2014 – 2034. The policies of this plan attract limited weight as I am unaware whether they are the subject of any unresolved objections.
4. The appeal scheme proposes the installation of free-standing non-illuminated advertisements comprising 1no. 48 sheet panel and 1no. 96 sheet panel on land to the south of the A127 Southend Arterial Road. The advertisements are already being displayed and I have therefore determined the appeal scheme on the basis of the advertisements that have been installed.

Main issues

5. The main issues are the effect of the advertisements on the amenity of the area and public safety.

Reasons

Amenity

6. The A127 Southend Arterial Road is a dual carriageway which is screened to the north and south by trees and vegetation. Street furniture in this section of the road mainly consists of lampposts, road signs and low-level barriers. There

are some commercial uses to the west adjacent to the junction of A127 and High Road, which display various signs that are generally associated with the business carried on at the premises.

7. The advertisements that are subject of the appeal are large and positioned close to the roadside of the A127. Whilst I note that the advertisements are non-illuminated and static, their size and location results in a dominant and visually intrusive appearance that causes unsightly clutter in the public domain. The large size of the advertisements appears out of keeping with the scale of surrounding built form, which includes a nearby bridge and low-rise buildings. I note that there is an existing 48 sheet panel advertisement further to the west adjacent to the junction of A127 and High Road, however this would not justify the harm caused by the proposal.
8. For these reasons, I conclude that the advertisements are harmful to the amenity of the area, contrary to Policy BAS BE18 of the Basildon District Local Plan Saved Policies 2007 (the Local Plan) relating to amenity.

Public Safety

9. The Planning Practice Guidance emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, pedestrian crossings or other places where local conditions present traffic hazards. It highlights the main types of advertisement which may cause danger to road users. This includes those, which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal.
10. This part of the A127 is straight and level in both directions and so there is good forward visibility. Therefore, drivers would be aware of the advertisements well in advance, and the advertisements would be static with no changes in display. These factors would limit the extent of distraction to drivers. I note that drivers travelling in a westerly direction would be braking approaching the junction and making decisions about lane selection, however I do not consider that the advertisements would cause undue distraction or hazard to motorists.
11. For these reasons, I conclude that the advertisements have no adverse effect on public safety. In this respect the proposal accords with Policy BAS BE18 of the Local Plan relating to the impact on public safety.

Conclusion

12. For the above reasons, having had regard to the relevant provisions of statute, the development plan, the approach in the National Planning Policy Framework, and to all other relevant material considerations, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR