



Appeal Decision

Site visit made on 7 September 2021

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021.

Appeal Ref: APP/U2615/Z/21/3269088

Land at Fullers Hill Great Yarmouth NR30 1PR

- 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 Richard Page of Wildstone against the decision of Great Yarmouth Borough Council.
 - The application Ref. 06/20/0564/A, dated 9 October 2020, was refused by notice dated 11 January 2021.
 - The advertisement proposed is the conversion of two 48-sheet advertising display to a single 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed digital advertisement display on public safety with particular regard to highway safety.

Reasons

3. The single digital advertisement display would replace two adjacent 48-sheet advertising display hoardings which according to the information before me have deemed consent. They would be located within the No 5 St Nicholas Place/Northgate Street Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The Planning Practice Guidance (PPG) states 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. These include, for example, at junctions, roundabouts, and pedestrian crossings. The PPG advises that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if the advertisement is not on the skyline. This would be the case with the proposal before me. However, the PPG also lists the main types of advertisements which may cause danger to road users. This list includes, amongst other things, 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. In addition, it also

includes internally illuminated signs (incorporating either flashing or static lights) including those utilising LED technology where the means of illumination is directly visible from any part of the road or which are subject to frequent changes of display.

5. The appeal site is located in a commercial area on an area of grassed open amenity land adjacent to the wall of a Poundstretcher store and south east of the Fullers Hill Roundabout, a busy roundabout linking arterial roads into and out of Great Yarmouth. Fullers Hill is a dual carriageway in each direction with footways and central street lighting and subject to a 30mph speed limit. There is a pedestrianised signal crossing close to the appeal site, at which point cyclists also rejoin the carriageway. On my site visit I observed a steady flow of traffic and pedestrians using the roads and pedestrian crossing.
6. The current advertisement displays are almost parallel to Fullers Hill facing to the north and as such are not readily visible or distracting to road users who approach the roundabout along Fullers Hill from the south east. The replacement display panel would be sited parallel to the rear of the Poundstretcher store and facing oncoming traffic as it approaches the roundabout from the south east. The advert would be visible to road users from some distance along Fullers Hill, although it would momentarily disappear from view behind the directional signs and the mature tree planted in the amenity area. The advert would come into full view at a time when drivers and cyclists approaching the Fullers Hill roundabout would require a high degree of attention to safely navigate it. In this location therefore, the display would have the potential to distract a driver or cyclist and reduce the time to assess potential risks.
7. I appreciate that the illuminance can be controlled automatically to react to day and night light conditions and that conditions can be imposed to ensure that this level remains within accepted guidelines. In addition, no moving content, animation or flashing images are proposed. I am mindful also that motorists should be exercising due care and attention and respond appropriately to road conditions and potential hazards. However the proposed advertisement display would be subject to changing displays, albeit at controlled intervals which would in my view increase the visual prominence of the display and draw the eyes of drivers and cyclists distracting their attention at a busy road junction.
8. There would be a reduction of advertising of 50% in this location as a result of the current proposal. However the present location of the two advertisement displays are such that the signs are primarily viewed by motorists travelling from a north west direction away from the roundabout. As such they do not represent an undue hazard to road users. For the reasons set out above, the current proposal would be materially different from the existing feature. The reduction of advertising would not therefore be a notable benefit and as such the weight I attach to this matter is consequently limited.
9. The Council has not raised any objection to the proposal on an amenity basis and I would concur with their assessment. The appeal site is located within the CA, but given the mixed character and commercial nature of this particular area, the proposed advertisement display would not be an overly dominant and intrusive feature at odds with the character of the locality. In terms of the statutory test the character and appearance of the CA would be preserved.

10. However, I conclude that the position, and format of the proposed advertisement display could distract motorists and cyclists approaching the Fullers Hill roundabout to the detriment of road and public safety and contrary to advice within the PPG. The Council refers to Core Policy CS16 from the Great Yarmouth Borough Council Core Strategy and to Saved Policy BNV 22D and F of the Great Yarmouth Borough Wide Local Plan (2001) in the Reason for refusal. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions are made in the interests of amenity and public safety. I have taken into account Core Policy CS16 and Saved Policy BNV22F which seek to promote public safety as far as they are material. Whilst I have had regard to the suggested conditions, these would not overcome the harm I have identified.

Other Matters

11. I appreciate that there are benefits to the use of digital technology to display advertisements on site compared to the traditional billboard displays. These include easier and sustainable maintenance, greater efficiency and the upgrade of sites. However these matters do not outweigh the harm that I have identified in relation to public safety.

Conclusion

12. I conclude that the display of the advertisement would be detrimental to the interests of public safety. Therefore for the reasons given above and having regard to all other matters raised, I dismiss the appeal.

K Winnard

INSPECTOR