

---

# Appeal Decision

Site visit made on 24 September 2021

**by Gary Deane BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 October 2021.**

---

**Appeal Ref: APP/M1595/Z/21/3268418**

**Rosina Café Advertising Board, Purfleet Road, South Ockendon RM15 4XT**

- 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 Clear Channel UK against the decision of Thurrock Borough Council.
  - The application Ref 20/01077/ADV, dated 17 August 2020, was refused by notice dated 14 December 2020.
  - The advertisement proposed is the upgrade of existing 48-sheet advert to support digital poster.
- 

## Decision

1. The appeal is dismissed.

## Procedural matters

2. The Regulations, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) all state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Although I have taken into account the planning policies and guidance to which the main parties have referred, these have not been a decisive consideration in my decision.
3. The site is adjacent to the Rosina Café on the eastern side of the A1306, which is variously described in the evidence as Arterial Road and London Road. For consistency, I shall refer to it as Arterial Road.

## Main issues

4. The main issues are the effect of the proposed advertisement on public safety, with particular regard to highway safety, and on visual amenity.

## Reasons

5. The proposal is an internally illuminated 48-sheet digital LED display set within a black metallic frame adjacent to Arterial Road, close to its priority junction with Purfleet Road. It would replace an existing externally illuminated advertisement hoarding that occupies the same position and has the same sized display area as the proposal. The main differences would be an LED digital screen instead of a poster panel and the display of static but changing imagery. Due to the position and orientation of the new LED display, it would be mainly seen by those approaching the site from the north.

6. The appellant states that the existing advertisement hoarding at this location has deemed consent. In the absence of any evidence to the contrary, I have no reason that disagree with this view. It seems likely, therefore, that the existing display would remain in place if this appeal were to be dismissed, as the appellant points out. Consequently, the presence of the existing advertisement is of significant weight in my consideration of this appeal.

#### *Public safety*

7. As it passes the site, the carriageway of Arterial Road is reasonably straight and there is a 60mph speed limit. In the vicinity of the site, this highway has a single lane for vehicles traveling in each direction and also a right hand turning lane for northbound vehicles turning into Purfleet Road.
8. During my early to mid morning site visit, Arterial Road was heavily used with almost a constant stream of traffic including heavy goods vehicles travelling past the site in both directions. In some cases, vehicles were travelling at some speed most notably those traveling south. Although only serving a small number of businesses, I also saw that Purfleet Road was reasonably well used with vehicles often entering and exiting the junction with Arterial Road.
9. The appellant's Highway Safety Report refers to accident data for a 5-year period before May 2020, which includes 4 accidents in the vicinity of the site. Of that total, 1 accident is classified as serious, which involved a pedestrian walking north and crossing Purfleet Road that was hit by a car exiting the car park of Rosina Café and turning left towards Arterial Road. It is likely that the driver involved would have been looking away from the site at that time. I therefore agree that the existing advertising hoarding would have had no bearing on this accident. From the accident data provided, I reach the same conclusion in relation to the other 3 accidents that were all recorded as slight.
10. Having driven along Arterial Road in both directions and turned left and right into Purfleet Road several times during early to mid-morning, I observed that drivers require a high level of concentration with due care and attention for road users and pedestrians. It is especially the case for road users unfamiliar with local highway conditions, given the high volume and, in some cases, considerable speed of vehicles using Arterial Road and the presence of accesses to the car parks serving Rosina Café and a vehicle valeting service, which are both close to its junction with Purfleet Road.
11. On 2 separate occasions, I saw a southbound vehicle on Arterial Road slow down ahead of turning left into Purfleet Road only for the vehicle following it move out towards the centre of the carriageway to overtake before that manoeuvre off the main carriageway had been completed. On each occasion, the overtaking vehicle passed close to a northbound vehicle waiting to turn right into Purfleet Road. To my mind, there would be little room for error for the driver of the overtaking vehicle in passing, possibly at some speed, a vehicle on either side with one slowing down and turning left and other stationary waiting to turn right.
12. I recognise these observations are a 'snap shot' and may well be atypical of local highway conditions. The junction is well lit and there is good visibility of oncoming vehicles. However, had the driver of the vehicle turning left into Purfleet Road slowed down more abruptly or unexpectedly than anticipated, for instance, to allow a pedestrian to cross that road, as reported as a serious case

in the accident data, the risk of a collision would, in my view, increase and significantly so.

13. Although set back from the highway edge, the new LED screen would be visually prominent to southbound users of Arterial Road on the immediate approach to the junction with Purfleet Road. To my mind, the introduction of an internally illuminated LED 48-sheet sign, displaying a variety of static images that change at intervals, would attract the attention of road users to a significantly greater degree than the existing externally illuminated static sheet sign that it would replace. The sign would not obstruct visibility from existing accesses. However, due to its siting, size, internal illumination and frequent changes of display, it would draw the eye of road users. It would do so just at a time when they are required to exercise particular care and attention to safely negotiate a busy stretch of highway and when they may need to brake suddenly especially if vehicles are slowing to turn into Purfleet Road.
14. By introducing an unacceptable distraction to southbound users of Arterial Road, the proposal would result in an unacceptable increase in risk of accidents for pedestrians and road-users. The harmful effect to highway safety would not be mitigated by conditions suggested by the appellant that include a maximum illumination level of 200 cd/m<sup>2</sup>, a switch off between 1200 midnight and 6am and restrictions on the frequency of changes of display, on special or visual effects, and on the intervals between successive displays.
15. In reaching this conclusion, I have had regard to the examples of recently approved advertisements to which the appellant has referred notably in the Planning Appeal Statement and the Highway Safety Report. From the information provided, none of the examples cited involve an advertisement displayed next to a busy road with a 60mph speed limit that is also close to a priority junction as in this case. As the circumstances of these examples are not very similar to the proposal, I attach limited weight to them for the purpose of this appeal, which has, in any event, been assessed on its own merits.
16. Overall, I conclude that the proposed advertisement would harm public safety, due to the unacceptable impact upon highway and pedestrian safety. As such, it conflicts with Policy PMD2 of the Core Strategy and Policies for Management of Development (CS) and the Framework, to which I have had regard.

#### *Visual amenity*

17. In the vicinity of the site, the highway and its infrastructure have a visually dominant presence in the street scene with a wide carriageway, road junction, footways, directional signs and street light columns all in close proximity. While a row of trees and open land are just to the southeast of the site, the proposal would be largely seen from the north. From this direction, the proposal would be visually 'read' as part of the commercial area off Purfleet Road, particularly the café building, an outdoor seating area and car park just to one side of the site. The context of the site is, therefore, predominantly urban within which sizeable roadside advertisement displays are a familiar feature, as the appellant states.
18. Unlike the advertisement to be replaced, a series of static images would be displayed on the new unit in rotation, with each image on view for a short period of time. These images would regularly change and so the proposal would attract greater attention than the static images on the existing hoarding.

In doing so, it would draw the eye of some road users. However, apart from the appearance of an LED screen rather than a poster panel and the opportunity to change images, the visual impact of the proposal would be little different to that of the existing advertisement. Given that the size of the display area and scale of the structure on which it would be framed would not significantly change, the effect of the proposal on the openness of the Green Belt and the character of the local area would not be that different.

19. Like the existing hoarding, the proposal would be far less evident on approach from the south given the screening provided by nearby trees. While glimpses of the edge of the new structure and the back of the sign might be possible in winter months following any leaf fall I doubt that the visual effect of the proposal would be noticeably different to that of the existing advertisement.
20. Overall, for the reasons given, I conclude that there would be no material harm to the amenity of the area as a result of the proposal. Accordingly, it is not contrary to CS Policies PMD2, Policy PMD6 and CSTP22 or the provisions of the Framework in that regard.

### **Conclusion**

21. Nevertheless, for the reasons given above, the appeal is dismissed.

*Gary Deane*

INSPECTOR