



Appeal Decision

Site visit made on 10 November 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2021

Appeal Ref: APP/R3515/Z/21/3274624

Amenity Land Adjacent to New Wolsey Theatre, Civic Drive, Ipswich IP1 2AS

- 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 Graeme Hughes (Alight Media Ltd) against the decision of Ipswich Borough Council.
 - The application Ref IP/21/00261/ADV, dated 12 March 2021, was refused by notice dated 6 May 2021.
 - The advertisement proposed is installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 3.4m high x 6.4m wide, and comprising pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
3. The Regulations¹ and the Framework state that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest². Moreover, while the statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to this appeal, the setting of a listed building is likely to be a relevant material consideration when considering the effect on 'amenity'.
4. The Application Form described the proposal as being for a static illumination but it is clear, from the supporting Planning Statement, that the proposed display unit would include changing static images. Moreover, the appellants have referred to a series of conditions relevant to a number of matters, including the timeframe for the display of any advertisements.

Main Issues

5. The main issues are the effect of the proposed advertisement display on the amenity of the surrounding area and on public safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Reasons

Amenity

6. The appeal site is situated immediately west of a new community building, within a raised planting bed, and to the south of an enclosed storage area for the building. To the foreground of the site is the stairway to an underpass, enclosed by railings, which enables crossing of Civic Drive, a busy dualled section of Ipswich's inner ring road. Given its public emphasis, the unorthodox roof form and use of gold cladding in its construction distinguish it from nearby buildings of a simpler appearance, that make quiet contributions to the area. While the building continues the approach of others that turn away from Civic Drive and it focusses on the public piazza to the east, the roof over sails the elevations below, thereby adding visual interest to the building and the character and appearance of Civic Drive.
7. The boundary to the Burlington Road Conservation Area (CA) is to the west of Civic Drive. As identified in the Burlington Road Conservation Area Appraisal (CAA), it encompasses architecturally detailed buildings of the high Victorian period, which use local building materials. Together they form an attractive and engaging group. However, the introduction of Civic Drive disrupted the historic pattern of development and isolated the residential area within the CA from the town centre. Civic Drive is therefore unsurprisingly identified in the CAA as an unsympathetic alteration to the setting of the CA and excluded from it. Despite later additions, the area retains its legibility as a mid-Victorian suburb and continues to be of historic and architectural significance.
8. The listing description for the Grade II* listed Church of St Matthew provides a very detailed account of its exterior, interior, principal fixtures, and history, all of which contribute to its significance. However, the principal reasons for its designation relate to its overall architectural interest, and extensive late medieval fabric; the quality of its fittings, in particular the font, chancel roof and monuments; and for the successive phases (including the involvement of Sir George Gilbert Scott), showing the church's development over time. The Church therefore makes a significant contribution to the history, character and appearance of the CA.
9. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. For the purposes of this appeal, the settings of the Church and CA therefore include, but are not limited to, Civic Drive and the land adjoining it, as far south as the junction with Elm Street. The urban clearance that was undertaken to construct Civic Drive has undoubtedly also had a negative effect on the setting of the Church. Despite this and it being a busy route that is not pedestrian friendly, it still enables the Church to be experienced from the pedestrian areas either side of it.
10. Due to its size, illumination, and siting in an elevated position above the street, the proposal would represent an incongruous and visually intrusive addition that would occupy a prominent position within the foreground of views from the south and southeast toward the CA and the Church. It would also stand out against the simple black façade of the community building and project above its golden profiled roof and partially obscure it. The proposed display would therefore be harmful to the settings of the CA and listed building and weaken the contribution made by the community building within its immediate context, particularly the public realm around it.

11. I appreciate that the listed Church is situated on the opposite side of Civic Drive, some distance to the north of the site, and its grounds are largely bound by mature tree planting. While this constrains visibility of the church and its tower, views are more extensive closer to it and during times when the trees are not in leaf. Moreover, the Church tower and entrance are to the west, but its built form and appearance, particularly that of the tower can still be appreciated from the southeast. Civic Drive is also an intervening factor but it does not inhibit visibility of the Church, including from view fifteen identified in the CAA and from its eastern side. These views contribute to the experiential value of the CA and Church.
12. Accordingly, I conclude that the proposed advertisement would appear as a prominent and incongruous feature that would be harmful to the amenity of the surrounding area. I have taken into account the provisions of Policies CS4, DM5 and DM8 of the Council's Local Plan³ and its adopted Town Centre and Waterfront Public Realm Strategy⁴, so far as they are material, in accordance with the Regulations. Given that I have concluded that the proposal would be harmful to the amenity of the area, it would fail to accord with these policies. The proposal would also fail to accord with paragraph 136 of the Framework.

Public Safety

13. The appeal site is situated to the east of a four-leg roundabout within the dualled Civic Drive. Traffic from all but the eastern leg would approach the roundabout on a slope. The roundabout is subject to a 30mph speed limit, it is well lit, and there are standard directional signs at the carriageway edge and arrow markings painted within the carriageway itself.
14. The Planning Practice Guidance (PPG) states that advertisements at points where drivers need to take more care are more likely to affect public safety, for example at roundabouts. It goes on to suggest the types of advertisement which may cause danger to road users are those which, because of their size or siting, would obstruct or confuse a road-users view. These also include illuminated signs which are subject to frequent changes of the display.
15. I accept that the proposed advertisement display would not interrupt the visibility of any part of the highway or obscure or interfere with any traffic signals or road signs. Nevertheless, as I outlined in the first main issue, the proposal would stand out against the dark background of the community building behind. It would also be likely to be prominent behind other traffic, across the roundabout and thereby distract road users.
16. I have been referred to research that found no conclusive evidence of a correlation between advertising and road safety, including that which was undertaken at sites prior to and following the introduction of digital displays, but no details have been provided. In the context of the site, I understand that there have been two vehicle related accidents recorded on the southbound side of Civic Drive, in close vicinity of the proposal⁵, but there is no information before me regarding the reasons for these accidents. While this represents a low level of incidents in the context of the high traffic flows associated with

³ Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (Adopted 22 February 2017).

⁴ Ipswich Local Plan Town Centre and Waterfront – Public Realm Strategy Supplementary Planning Document July 2019.

⁵ Crash Map statistics for the period 2016-2020.

Civic Drive, it also evidences that manoeuvring within the carriageway around the roundabout is not without risk. Furthermore, given the busy nature of Civic Drive and the nature of the proposal and its siting, it would have potential to lead to vehicle accidents in the future.

17. I have also noted the appellants' specific reference to a passage in *Outdoor advertisements and signs: a guide for advertisers*; and the content of the *Guidance for Digital Roadside Advertising and Proposed Best Practice*⁶ (TfL document). Despite the latter clearly not directly applying to the geographical context of the appeal, I have no reason to dispute its conclusions. The TfL document recommends that a detailed assessment of road safety implications should be carried for locations such as the appeal site, but there is no substantive evidence before me to suggest that such an approach was taken to inform whether the proposed advertisement display would have an impact on road safety. I have therefore considered the proposal on the basis of the evidence before me, having regard to its own site specific constraints, as advised by the TfL document.
18. The appellants have proposed a number of measures to mitigate the potential effects that the proposed digital display, each of which they suggest can be controlled by planning conditions. These include restricting the content of the displays to non-moving images, limiting the level of illumination to 300cd/m² during the hours of darkness, the interval between successive displays not being more than 1 second, and the images not changing more than once every ten seconds. I accept that these are all measures referred to in the TfL document, but I am not satisfied that they would overcome the potential for undue driver distraction associated with the proposal as referred to above.
19. In light of the above, I conclude that the proposed advertisement would appear as a prominent feature that would be distracting to users of the adjacent highway and would therefore have a detrimental effect on public safety. I have taken into account the provisions of Policy DM17 of the Council's Local Plan, so far as it is material, in accordance with the Regulations. Given that I have concluded that the proposal would be harmful to public safety, it would fail to accord with this policy. It would also fail to accord with the Framework, which seeks to control advertisements in the interest of public safety.

Other Matters

20. The appellants have referred to the potential benefits of the proposal and that it would represent sustainable development in line with the Framework. However, there is no indication in the Regulations, Framework or PPG that any other factors can be taken into account either for, or against, a proposal. These matters have therefore had no bearing on my decision.

Conclusion

21. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR

⁶ Transport for London, 4 March 2013.