



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/21/3274648

Island Site, Greyfriars Road, Ipswich IP1 1UP

- 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/21/00237/ADV, dated 8 March 2021, was refused by notice dated 7 May 2021.
 - The advertisement proposed is Installation of 2 x 48 sheet freestanding digital advertising display units, measuring 6.4m wide x 3.4m high, and mounted on a triangular support frame structure and central support column.
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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 units 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 displays on public safety and the amenity of the surrounding area.

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

Public Safety

6. The appeal site is situated to the western side of a roundabout connecting multiple streets off Ipswich's inner ring road. College Street, to the east, incorporates a toucan crossing set back of the roundabout, close to the Church of St Peter. The roundabout is well-lit and subject to a 30mph speed limit, and there are restrictions on parking and loading to all streets, standard directional signs at the carriageway edge and directional markings within the carriageway.
7. Visibility of both sets of traffic signals serving the toucan crossing in College Street are particularly important given the tight nature of the street and the jetty to the first floor of 4 College Street. Moreover, it was unclear from my site visit whether this would hinder visibility of the left-hand signal from distance. Nonetheless, the proposed eastern display (Panel 01) would be largely directly in the sight line of the traffic signals. It would therefore be likely to hinder the ready interpretation of those signals and place persons using the crossing at risk.
8. The appellant accepts that the inner ring road is busy in this location, so the display and changing of advertisements would also be likely to be a distraction for drivers of vehicles entering the roundabout from College Street, which may also potentially conflict with other vehicles traversing the roundabout or entering it from Bridge Street.
9. I accept that Panel 02, which is proposed to face northwest in Greyfriars Road, would be unlikely to distract traffic entering the roundabout, as it would be at an oblique angle so vehicles would have passed the display at this point. However, there is no substantive evidence before me to demonstrate that the display would not distract vehicles in Greyfriars Road from observing vehicles crossing traffic into the road, particularly from the junction serving Jewson.
10. 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; and to similar consented schemes across the country, which are not likely to distract or lead to an increase in the risk of accidents. However, no details have been provided and, in any event, I have based my assessment on the characteristics of the road network surrounding the site.
11. The appellants have referred to three vehicle related accidents recorded in close vicinity, two of which were on Greyfriars Road and a further accident to the northern side of the roundabout, but the information provided³ shows a further accident to the southern side of the roundabout. While this represents a low level of incidents in the context of the high traffic flows likely for an inner ring road, there is no information before me regarding the reasons for these accidents. They also evidence that manoeuvring within the roundabout and the streets off it is not without risk. Moreover, I accept that the proposed advertisement displays would not interrupt visibility of the highway, but the busy nature of the road network and the siting of the proposed displays means that they have potential to lead to vehicle accidents in the future.

³ Crash Map statistics for the period 2016-2019.

12. 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*⁴ (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.
13. The appellants have proposed a number of measures to mitigate the potential effects that the proposed display units, 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 or interference with visibility of traffic signals that would be associated with the proposal, as referred to above.
14. In light of the above, I conclude that the proposed advertisement displays would appear as prominent features that would be distracting to users of the adjacent highway and obscure the interpretation of traffic signals. They would therefore have a detrimental effect on public safety. I have taken into account the provisions of Policies of DM5 and DM17 of the Council's Local Plan⁵, 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 comply with the standard conditions outlined in the Regulations and the Framework, which seeks to control advertisements in the interest of public safety.

Amenity

15. The proposed advertisement displays would be angled to face toward the bend in Greyfriars Road and opposite toward College Street, where there are three listed buildings in close proximity of one another, all of which are situated within the Central Conservation Area (CCA).
16. The Church of St Peter probably dates from the 14th Century but its tower has later origins. The significance of the church is derived from its architectural and historic interest. In particular, the use of flint and stone in its construction ensures that the architecture is typically ambitious and decorative. The Church occupies a relatively small yard, which is enclosed on all sides by walling and mature tree planting. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. Despite the introduction of modern development within its context, including the Novotel to the northwest and other development west at Cardinal Park and nearby, it

⁴ Transport for London, 4 March 2013.

⁵ Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review (Adopted 22 February 2017).

remains a public building of notable scale and importance. It therefore has a more extensive setting, which includes the road network in its foreground.

17. The significance of the Grade II listed building at 4 College Street, principally lies in its origins as a 16th-17th Century timber-framed and plastered house, with a cross-wing at the western end. It presently has a subdued appearance but I observed that it is subject to works, so this may change. Nevertheless, it is a small building and its setting is more closely associated with its immediate context, principally because of the prominence of open and vacant land surrounding it and the backdrop formed by the looming height and scale of old warehousing and larger modern buildings to the east.
18. The Gateway to Wolsey's College of St Mary, is a Grade I listed building and Ancient Monument. It is all that remains of the 16th Century college founded by Cardinal Wolsey for Secular Cannons. The listing description identifies that it was probably not the main entrance but provided access to a quadrangle. As well as its historic significance derived from this association, it is architecturally of elaborately detailed brick construction. Due to the close proximity of buildings within College Street to the carriageway, the Gateway lies behind the building line of the building immediately east, is lower in scale in comparison to it and its red brick construction somewhat appears to blend with the flank wall of the adjacent building. Its setting is therefore more closely associated with its immediate context around the other listed buildings, which adds to the reasoning behind the group value assigned to the three listed buildings (and 1-5 (odd numbers) College Street) in the listing descriptions.
19. The boundary of the CCA is to the west of Bridge Street. The Central Conservation Area Appraisal and Management Plan (CCAAMP) highlights that the area retains its strong pre-mediaeval street pattern together with later changes in the Georgian and Victorian eras and extensions to the important Anglo-Saxon settlement. It incorporates a rich variety of high-quality buildings from the various periods of its development, which presents a rich tapestry of its history, significance, and character. This is perhaps best demonstrated by the great number of listed buildings and other buildings identified to be of local architectural interest and which contribute to its special character and appearance. The three listed buildings referred to above are typical of the many high-quality buildings found within the CCA so therefore make a significantly positive contribution to the character and appearance of the CCA.
20. Further to the south and directly adjoining the CAA is the Wet Dock Conservation Area (WDCA), which primarily contains an area of open water in the Wet Dock, Victorian quayside structures, the Island Site and New Cut river frontage. Like the CCA, it too contains a rich townscape principally formed of the juxtaposition between historic dock buildings with grand brickwork detailing and the modern interventions within its waterfront. The contribution of the water to the character of the area has also evolved through introduction of extensive marina berths and the associated recreational activity.
21. The appeal site shares characteristics with the open expanse of the road network immediately east and together they enable views east to appreciate the conservation areas and listed buildings. However, the factor of distance means that this contribution is somewhat limited.
22. Moreover, although Panel 02 would be seen in the context of the views available from Greyfriars Road toward the conservation areas, it would be in

the foreground, some distance away and would be relatively small in the context of the tall buildings in the WDCA, which dominate this view.

23. Due to intervening mature planting and the position of the Church and the building immediately east of the Gateway, Panel 02 and the Gateway would not be experienced in context of one another. Similarly, the timber-framed house at No 4 is of considerably smaller scale than the buildings behind it meaning that it is not evident until one is closer, in this case beyond Panel 02. The Church is a considerably larger building and I have already outlined it has a greater setting as a result, but Panel 02 would appear as a relatively small intervention within the street. It would therefore not exert any dominance over the Church in views towards it and the Church would continue to maintain its prominence within its immediate context.
24. Given the above, Panel 02 would not be harmful to the setting of any of the listed buildings, particularly having regard to the distance between and the existing relationship with the adjacent carriageways and roundabouts; and, in the case of the Church, its large scale. For similar reasons, although Panel 01 would be directly visible from all of the listed buildings, the distance between would ensure that their settings are not harmed by the proposal. I note that in considering the impact of a recent development at the site⁶, the Council arrived at a similar conclusion.
25. The site is at the heart of an important gateway to the town centre and waterfront and there are very few adverts in the vicinity, except discreet business signage. Nevertheless, I consider that the location of the site within close proximity of Cardinal Park and other commercial uses would enable the proposed advertisement displays to assimilate within their context without harming the setting of nearby commercial buildings or the wider visual amenity of the surrounding area. There is also no substantive evidence before me to demonstrate how the proposal would inhibit opportunities for public realm enhancement.
26. Accordingly, I conclude that the proposed advertisements would not 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 Plan and its adopted Town Centre and Waterfront Public Realm Strategy⁷, so far as they are material to this particular main issue, in accordance with the Regulations. Given that I have concluded that the proposal would not be harmful to the amenity of the area, it would accord with these policies. The proposal would also to accord with paragraph 136 of the Framework in this respect.

Other Matters

27. 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.

⁶ Planning Reference: IP/19/01145/FUL.

⁷ Ipswich Local Plan Town Centre and Waterfront – Public Realm Strategy Supplementary Planning Document July 2019.

Conclusion

28. Although I have concluded that the proposed advertisements would not be harmful to the amenity of the surrounding area, this does not outweigh the detrimental effect to public safety. Accordingly, I conclude that this appeal should not succeed.

Paul Thompson

INSPECTOR