

Appeal Decision

Site visit made on 12 January 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 JANUARY 2022

Appeal Ref: APP/U2615/Z/21/3279761

Waveney Mills, Southtown Road, Great Yarmouth NR31 0JB

- 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 Alight Media against the decision of Great Yarmouth Borough Council.
 - The application Ref 06/21/0466/A, dated 20 May 2021, was refused by notice dated 23 July 2021.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for new single illuminated 48-sheet digital advertisement display at Waveney Mills, Southtown Road, Great Yarmouth NR31 0JB, as applied for. The consent is granted for a period of ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and to the additional conditions included in the Schedule at Annexe A.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the occupiers of dwellings on Plevna Terrace.

Reasons

3. The location of the proposed new advertisement is adjacent to the south-west boundary of the Waveney Mills site. It would be positioned to be visible above the boundary fence with a backdrop of siloes and other industrial structures. The advertisement would face towards Southtown Road the other side of which to the north-west are the two storey dwellings which form Plevna Terrace and immediately south of this a garage and car dealership. The surrounding area is predominantly industrial and commercial in character and appearance, with some dwellings nearby along Station Road.
 4. Views of the advertisement would only be possible from the upper floor windows of the Plevna Terrace dwellings due to boundary fencing to their rear. The terrace is at an angle to the advertisement's location and so direct views from within the rooms served by these windows would be towards the garage to the south. It would be possible to see the advertisement from positions close to
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the windows, although the separation distance of some 75 metres and backdrop of large industrial structures means that it would not be unduly prominent in the street scene.

5. The Council's principal concern is the effects of the illumination and changing displays during the hours of darkness. I note in this regard that the appellant proposes a condition to limit the luminance level during the other hours of darkness to 300cd/m², the appropriate darkness maximum for this type of advertisement recommended in professional guidance. Moreover, conditions are proposed which would limit the extent and type of movement of the images displayed on the advertisement.
6. These controls would help to mitigate any effects of the advertisement in the views that are available and, in combination with the distance between the windows and advertisement, in terms of possible effects of light or movement being otherwise discernible within the rooms served by the rear windows. Moreover, the surrounding area includes existing ambient light from a number of street lights and other lighting associated with the industrial and commercial uses; and there is already considerable movement in front of the advertisement's location due to traffic along the busy Southtown Road. In combination with the separation distance and lack of direct views of the proposed advertisement from the dwellings' upper floor windows, these factors will provide sufficient mitigation to any potentially harmful effects that could occur to the visual amenity of the nearby residents.
7. Accordingly, for these reasons, I conclude that the proposed advertisement would not have a harmful effect on the amenity of the occupiers of dwellings on Plevna Terrace. Consequently, the appeal should succeed. I have taken into account Policy CS9(f) of the Great Yarmouth Local Plan Core Strategy 2013-2030 and Policy BNV22 of the Great Yarmouth Borough-Wide Local Plan (2001), which concern protecting residential amenity and the effects of advertisements and which, therefore, are material in this case. Given that I have concluded that the proposal would not harm amenity, it does not conflict with these development plan policies.

Conditions

8. As an advertisement is involved the consent should be subject to the five standard conditions included in the 2007 Regulations. The application is for consent for a period of ten years. While express consent is usually granted for a period of five years, this period can be shortened or extended¹. The appellant indicates that the ten year period is sought because of the high initial cost of the advertisement and that there are unlikely to be any significant changes to the locality that would have a bearing on the effects of the advertisement over this time period. For the reasons given, I see no basis not to vary the consent from the standard five years.
9. In addition to the conditions referred to above, the appellant suggests a number of conditions to ensure that the advertisements displayed do not have an adverse effect on highway safety. I agree that these are necessary in the interests of safety and note that they largely are the same as those proposed by

¹ Planning Practice Guidance, paragraph: 036 Reference ID: 18b-036-20140306.

the Highway Authority (HA). The only difference, however, between the parties is that the HA suggests a two second interval between successive displays, while the appellant proposes one second. I have had regard to the appellant's arguments in this regard, but defer to the HA's views in this particular instance, which I note in any case that the appellant is willing to accept.

Conclusion

10. For the reasons given, the appeal should succeed.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
- 2) The maximum luminance of the advertisement shall not exceed 300cd/m² during the hours of darkness (dusk to dawn).
- 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed.
- 4) The interval between successive displays shall be a 2 second (minimum) fade and the complete display screen shall change without visual effects (including swiping or other animated transition methods) between each advertisement.
- 5) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed.
- 6) The advertisement shall include controls to ensure smooth uninterrupted transmission of images.
- 7) The sequencing of messages relating to the same product is not permitted.
- 8) If the installation breaks down or is not in use it shall default to a plain, black screen.

[End of Schedule]