The Planning Inspectorate

Appeal Decision

Site visit made on 8 March 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:18TH March 2022

Appeal Ref: APP/R3515/Z/21/3288886
Franklins Needlecraft Stores, 1-3 St Matthews Street, Ipswich, IP1 3EL

- 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 Ltd against the decision of Ipswich Borough Council.
- The application Ref IP/21/01066/ADV, dated 12 October 2021, was refused by notice dated 18 November 2021.
- The advertisement proposed is a 1 x 48 sheet gable mounted digital advertising display unit (measuring 6.4m wide x 3.4m high) mounted with integral vertical "living wall".

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed advertising display on the character and appearance of the host building and the surrounding area, including the Central Conservation Area (CA); and secondly, the effect of the proposed advertising display on public safety with respect to highway safety.

Reasons

3. The Council has referred to Policies DM5, DM8, DM17 and CS4 of the Ipswich Borough Council Local Plan Core Strategy and Policies Development Plan Document Review, 2017. These are general design, historic environment and highway safety policies. The Regulations require that decisions are made only in the interests of amenity and public safety. This is reiterated in the National Planning Policy Framework (NPPF). The Council's policies alone cannot be decisive, but I have taken them into account as a material planning consideration. The NPPF makes clear that advertisement control should be simple, efficient and effective.

4. The appeal site is located on the street facing façade of a post-war commercial building. It sits above the ground floor which is occupied as a shop unit and below the mansard roof in an area that is currently a blank brick wall. The site lies in a prominent location on a busy, urban dual carriageway. However, it is close to the Central CA and the smaller scale, historic town centre. The gateway to this is via the adjacent Westgate Street which is within the Central CA. The area is predominantly commercial and retail in character and appeared vibrant at the time of my site visit, a weekday morning, with considerable pedestrian

activity on St Matthews Street/Crown Street and the adjoining pedestrianised shopping area in Westgate Street.

5. St Matthews Street and Crown Street predominantly comprise post war commercial and retail development, including a parade of shops and a large modern office building opposite the appeal site, with a short parade of smaller, older shop units immediately to the east of the appeal site and within the CA. Westgate Street, which dates from medieval times, comprises buildings which vary considerably in size, age and architecture. It is, nonetheless, a cohesive street characterised by interesting and attractive historic buildings.

6. I did not see any other large advertising panels in the immediate area. The proposed advertising panel would therefore introduce a feature which would be uncharacteristic in the locality, despite the area being predominantly commercial. It would appear as a large and discordant structure on the host building which currently has a muted appearance. The proposed illumination and changing display would add to the intrusive, strident and alien appearance. Overall, the proposed advertising panel would appear out of place in the street scene of St Matthews Street/Crown Street and Westgate Street which although busy are architecturally restrained.

7. I accept that St Matthews Street has some vacant units and some buildings add little to the architectural quality of the area. Nevertheless, these matters would not be improved by the introduction of the proposed advertisement panel which might distract from other buildings but at the cost of introducing a prominent and unsympathetic addition to the street scene. The appellant suggests that it might lead to further investment and development in the area but in the absence of any evidence to demonstrate how this might be achieved the argument carries little weight.

8. Although the proposed development would be outside the CA, which is a designated heritage asset, it would be seen in the context of nearby historic buildings within it and would fail to blend with their traditional character, scale and appearance. It would therefore fail to preserve the setting of the CA which requires great weight to be given to its conservation. The harm would be less than substantial but there would be no discernible public benefit in allowing the advertising panel that would outweigh this.

9. The proposed development includes the introduction of a "living wall" of vertically planted vegetation which would sit above the advertising panel. The appellant states that not only would this be visually attractive but would also enhance biodiversity. The Council does not object to the living wall and I agree it would be acceptable. However, a living wall could be introduced without the associated jarring presence of a large advertising panel.

10. It is concluded on the first main issue that the proposed advertising display would materially detract from the visual amenity of the host building and the surrounding area, including the Central CA. In consequence, it would conflict with the provisions of the NPPF, with guidance relating to advertisement control in the national Planning Practice Guidance and with local policy.

11. Turning to the issue of highway safety, the advertisement display would be close to the busy St Matthews Street/Crown Street and the well-used, signal controlled, pedestrian crossing close to the entrance to Westgate Street and the town centre shopping area. The curvature of the road would mean it was angled to face motorists and other highway users travelling west along Crown Street.

The advertising panel would be seen directly in their line of sight, immediately above the traffic signals at the crossing, with little intervening distance. Although not in direct line of sight, drivers travelling east would also have a clear view of the advertisement display.

12. The Highway Authority considers that the introduction in this location of a large, internally illuminated LED display that would change about every ten seconds would be likely to distract drivers, especially those travelling west, thereby risking their misinterpretation of or hindering their ready interpretation of the traffic signals at the signal-controlled pedestrian crossing. This has the potential to lead to conflict with pedestrians and cyclists using the crossing. Moreover, driver distraction could also lead to rear shunt collisions at the crossing. I agree with these views.

13. The appellant suggests that the immediate area is well lit and level and that the advertisement display could be controlled in terms of type, brightness, form of change and interval between advertisements so as to manage the level of distraction. However, it is unclear how this could be successfully achieved in the context of traffic signals which operate on demand and not on a fixed schedule. Although advertisements are familiar features in some settings they are not characteristic in this part of Ipswich town centre and the element of novelty and surprise on seeing the proposed display in this location would only add to the risk of distraction to highway users.

14. It is concluded on the second main issue that the proposed advertisement display would be harmful to highway safety in the area, including the safety of pedestrians and cyclists. In consequence, it would have a materially detrimental effect on public safety and, in accordance with paragraph 136 of the NPPF and guidance in the national Planning Practice Guidance, should not be permitted.

15. The appellant draws my attention to other advertisements that have been permitted in other parts of the country. I have limited information regarding these examples but they do not appear to be readily comparable with the appeal proposal. In any case, each proposal must be considered on its own merits, which I have done in this case.

16. For the reasons set out above and having regard to all other matters raised, including a representation from a member of the public supporting the proposed development, I conclude that the appeal should be dismissed.

K E Down
INSPECTOR