



Appeal Decision

Site visit made on 7 December 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/B5480/Z/21/3279601

Carries Hall, Rush Green Road, Romford, RM7 0PJ

- 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 Richard Wilson (Clear Channel UK Ltd) against the decision of the London Borough of Havering Council.
 - The application Ref A0011.21, dated 5 March 2021, was refused by notice dated 28 May 2021.
 - The advertisement proposed is a 3m (H) x 6m (W) (48-sheet) internally illuminated digital advertisement display.
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Decision

1. The appeal is allowed and express consent is granted for a 3m (H) x 6m (W) (48-sheet) internally illuminated digital advertisement display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The maximum luminance of the internally illuminated signage hereby permitted shall not exceed a night-time illuminance level of 300cd/sqm and a daytime illuminance level of 1600cd/sqm.
 - 2) The advertisement display shall use static advertising images (no more than 6 advertisements on a loop) and shall change no more frequently than every 10 seconds via a smooth fade.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was submitted retrospectively. Accordingly, I have considered the proposal on this basis.
4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 make it clear that advertisements are subject to control only in the interest of amenity and public safety. The Council has drawn my attention to various policies which it considers to be relevant to this appeal. These include policies from the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document (the

'Local Plan') and the London Plan (2021). However, whilst S38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 does not apply to advertisements, I have taken the relevant policies into account where material to this appeal.

Main Issue

5. The main issue is the effect of the advertisement on public safety, with particular regard to highway safety.

Reasons for the Recommendation

6. The appeal site is located at the junction of Rope Green Road (A124) and Rom Valley Way (A125). The existing digital advertisement is situated beyond the footway to the south of the junction and lies to the front of Carries Hall, a small detached building used as a community hall. The entrance to the hall's front parking area is directly adjacent to the advertisement.
7. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care being more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those that obstruct or impair sightlines at a junction, or at any point of access to a highway, and those which, because their size or siting, would obstruct or confuse a road-user's view. The PPG also states that externally or internally illuminated advertisements which are subject to frequent changes of the display are likely to distract road users.
7. I note that the existing digital advertisement has been in place since 2014 and that a previous 48-sheet scrolling display was in place from March 2006. The accident data and analysis contained within the Highways and Safety Report provided by the appellant reveals a lower rate of accidents in the period following the introduction of the digital display in late 2014 (from December 2014 to February 2020) compared to the previous period when the 48-sheet scrolling display was in place. Whilst the Council's Highways Authority state that 11 traffic accidents were recorded at the junction, I have not been provided with details of these accidents such as the time period for their occurrence or whether the advertisement contributed to driver or pedestrian distraction. Having had regard to the accident data therefore, I cannot conclude that the introduction of the current digital advertisement has been directly responsible for the traffic incidents referred to by the Council.
8. Furthermore, the advertisement is not excessively large as it is a standard 48-sheet display. The illumination levels are also acceptable and can be controlled with appropriate conditions. I do not find that it appears distracting or incongruous in this context and whilst the Traffic Management branch of the Metropolitan Police state the illuminated display is often animated, the advertisement only displays static images in sequence, changing no more frequently than every 10 seconds. Although the advertisement is clearly visible at the junction, especially when viewed from the southbound lanes on Rom Valley Way (A125), it would not constitute an unacceptably distracting feature.
9. With respect to the access to and from the car park of Carries Hall, I accept the single-lane width and position provides somewhat awkward vehicular access at this busy junction. However, I note there have been no accidents at the

entrance to the hall for the period between December 2014 and February 2020 following the change to the digital display. Moreover, the swept path analysis shown on Drawing no. VN211985-D100A demonstrates that the advertisement does not conflict with the visibility splay at the entrance to Carries Hall. The gaps between the horizontal panels at the base of the advertisement also allow for passing pedestrians to be visible to motorists exiting the hall.

10. Given the above, the advertisement does not constitute an unacceptable distracting feature that is hazardous to highway safety. I conclude that the proposed retention of the advertisement would not negatively impact public safety. I have taken into account Policy DC65 of the Local Plan which seeks to ensure advertisements do not present a safety hazard to traffic, albeit that this has not been determinative in my decision-making.

Conditions

11. I have imposed the five standard conditions as set out in the Regulations. In addition, I have imposed a condition restricting the intensity of the illumination of the advertisement to 300 candela per square metre as well as a condition requiring all displayed images to be static and remain on-screen for at least 10 seconds before changing to another. These conditions will ensure the advertisement is not so overtly eye-catching that it would distract road users and pedestrians.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be allowed.

Martin Seaton

INSPECTOR