

Appeal Decision

Site visit made on 14 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2022

Appeal Ref. APP/L2630/Z/22/3291867

Verge at John Hyrne Way, Costessey, Norfolk NR5 0AF

- 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 David Galbraith of Inschool Media against the decision of South Norfolk District Council.
 - The application ref. 2021/2367, dated 24 October 2021, was refused by notice dated 17 December 2021.
 - The advertisement proposed is "Retrospective application for 48 sheet paper advertising hoarding".
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Decision

1. The appeal is dismissed.

Procedural points

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The National Planning Policy Framework and the Planning Practice Guidance (PPG) reiterate this approach.
3. The application was submitted retrospectively. The subject advertising hoarding consists of 3 linked, non-illuminated poster boards as shown on drawing number 17308-001 Revision B and as I saw on my site visit.
4. Costessey Town Council expressed concerns that the content of the signage has previously been inappropriate and frightening. However, the PPG explains that consent cannot be refused because a local planning authority considers the advertisement to be misleading (insofar as it makes misleading claims for products), unnecessary, or offensive to public morals.

Main issue

5. Having regard to its location within an employment and retail area, the local planning authority found that the poster-hoarding would not harm the amenity of the site and its surroundings. I see no reason to disagree. The main issue is therefore the effect of the advertisement display upon public safety.

Reasons

6. The PPG says that all advertisements are intended to attract attention but those proposed at points where drivers need to take more care are more likely to

affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.

7. The 4-arm, roundabout next to the appeal site incorporates pedestrian crossing surfaces and central refuges on all 4 arms. As I observed during my visit, this a busy roundabout, in part due to the proximity of the Longwater Retail Park and Sainsbury's superstore. The southern arm of the junction provides a key access road to those retail destinations. It is clear to me that this roundabout junction is one such point where drivers need to take more care. In particular, motorists need to be vigilant to vehicles and cyclists ahead slowing or coming to a stop at the roundabout, interpret the movement of vehicles and cycles already on or about to enter the roundabout and have regard to pedestrians.
8. The advertisement display is sited on land next to the north-eastern corner of the roundabout just behind the footway. It is therefore perceived to be very close to the road carriageway. According to the plans, the format of the advertising is such that the poster boards, looked at cumulatively, sprawl across a distance of about 16 m, stand 4.72 m above ground level at the top of the frames and could contain 3 entirely different advertisements. They are particularly visible to road users approaching the roundabout after leaving the retail park and superstore and also to traffic joining the roundabout along the westernmost leg of Alex Moorhouse Way. The information on the boards would not be subject to control. There could be written material that required time to read, especially if each of the boards had entirely different displays and topics.
9. Given the position and sizeable format of the advertisement display, road users approaching the roundabout, especially from the south and west, are likely to be distracted by the display. I note that the Highway Authority objected to the application for a similar reason. Whilst no figures or data accompanied the response from the Highway Authority, the matter is more one of judgement. Failure to respond adequately to the prevailing road and traffic conditions as a result of being distracted or confused by the signage would carry a significant risk to highway and public safety at this busy roundabout junction.
10. These concerns are sufficient for me to find that the advertisement display poses an unacceptable risk to public safety. Although not decisive in themselves, in accordance with the Regulations I have taken into account the relevant policies of the development plan. As the scheme would be detrimental to highway safety, there would be conflict with Policies DM 3.9 and DM 3.11 of the South Norfolk Local Plan Development Management Policies Document.
11. Whether there is any scope for some form of roadside billboard advertising away from the current position within this locality is a matter for discussion with the local planning authority in the first instance. That matter is beyond the remit of this appeal decision.

Conclusion

12. For the reasons given above and having had regard to all other matters raised in the written material before me, I have reached the conclusion that the appeal should not succeed.

Andrew Dale

INSPECTOR