
Appeal Decision

Site visit made on 21 July 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref. APP/K2610/Z/22/3301065

1 Roundtree Way, Sprowston, Norwich, Norfolk NR7 8SH

- 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 Broadland District Council.
 - The application ref. 20220620, dated 11 April 2022, was refused by notice dated 7 June 2022.
 - The advertisement proposed is new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Amongst other things, the appellant mentions the economic benefits of the proposed display and third parties have raised concerns about its implications for energy consumption and its use for the promotion of harmful products. However, 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. The PPG also 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 issues

3. The main issues are the effects of the proposed advertisement display upon the amenity of the site and its surroundings and upon public safety.

Reasons

Amenity

4. The appeal site is next to the signal-controlled T-junction of Roundtree Way and Mousehold Lane (A1042), just within the grounds of a unit involved in the hiring of tools and equipment (HSS Hire). The former road heads north-east into an employment/business area and provides one of the access/exit points for the Sprowston Retail Park. The latter is part of the Norwich outer ring road.

5. The appeal site does not fall within any designated heritage area but I consider that its surroundings are characterized by the presence of features of scenic, historic and architectural interest.
6. I was struck by how verdant and scenic the background is along both sides of this section of the A1042 over a considerable distance. This should come as no surprise along the south-western side of the road which is bordered by Mousehold Heath. However, the north-eastern side of the road, where the appeal site is located, also contains dense landscaping and many mature trees.
7. The A1042 is a very busy highway, but this does not diminish the fact that the green character of the road contributes positively to the visual amenity of the area and to the street scene.
8. Moreover, the screen of trees is such that the commercial and industrial areas and large buildings on the northern side of the A1042 are not readily apparent to local residents or passers-by moving along the A1042. The 2 signs in the verge relating to the Homebase outlet are relatively modest as is the totem sign for HSS Hire close to where the proposed sign would be installed.
9. The local planning authority, the appellant and the Town Council pointed to a grade 2 listed building immediately to the north-west of the site. This comprises 6 almshouses built in a quarter-circle terrace as The Second World War Memorial Bungalows, a war memorial and various walls including the walls and gate piers to Mousehold Lane. The proposed sign would be in very close proximity to the nearest listed roadside wall.
10. The proposed digital advert would reach about 5.4 m in height measured from ground level to the top of the highest frame. The digital screen would be 6 m in width and 3 m in height. It would be sited at an angle so that it would principally face traffic approaching along the A1042 from the south-east. It would display static images which would change instantaneously every 10 seconds.
11. Given the display's sizeable physical presence, excessive scale in relation to the adjacent HSS Hire totem sign, elevated position, illumination, positioning next to the foliage in largely verdant surroundings and the lack of any other similar installations in the vicinity, I consider that it would appear as a prominent and incongruous feature within the immediate street scene, particularly as appreciated in most views along Mousehold Lane when approaching from the south-east.
12. To the extent that the nearest listed roadside wall is one of the general characteristics of the area, the rather awkward juxtaposition between that wall and the digital display adds some weight to my finding that the scheme would not be in the interests of visual amenity.
13. I have considered all the normal operating conditions suggested by the appellant to control the way the sign would be used, including the limits on luminance. However, these would not be sufficient to mitigate the overall harm that I have identified above. I find that the proposed advertisement display would harm the amenity of the site and its surroundings in conflict with the Regulations. Although not decisive in themselves, in accordance with the Regulations I have taken into account the relevant policies of the development plan. The proposal would be contrary to Policy GC4 – Design of the Council's Development Management Development Plan Document (DPD) since adequate regard has not been paid to the environment, character and appearance of the area.

Public safety

14. 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. It goes on to say there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality or if it is a normal poster panel. For the reasons already given, especially at paragraph 8 above, road users on the A1042 would not perceive the sign as falling within a commercial or industrial locality. It is a stretch of the imagination to consider the proposed display to be a normal poster panel. It is a scrolling poster displaying advertisements in sequence by means of a light emitting diode display.
15. The 3-arm, signal-controlled junction in the vicinity of the appeal site incorporates uncontrolled pedestrian crossing points on the Roundtree Way arm and the north-western arm of the A1042. As I observed during my visit, this a very busy junction in terms of the amount of general traffic, buses, heavy goods vehicles and cyclists and, as part of a key route around the north side of the city, the A1042 is likely to remain very busy throughout the day and into the evening. The speed limit is 40 mph at this point so vehicle speeds are not low. There is a yellow box grid within the junction. There are schools in the near vicinity in addition to the retail and employment areas, so there is likely to be a degree of pedestrian activity particularly around school opening and closing times. Drivers of vehicles approaching the subject junction from the south-east have little time to adjust after having just encountered a 4-arm, signal-controlled junction a short distance further to the south-east. It is clear to me that the subject junction is one such point where drivers need to take more care.
16. Whilst there may have been only 2 recorded injury accidents at this junction (one slight, one serious), it shows that the junction, although not exceptionally complex in layout terms, is not immune from such events in the current situation. In any event, a lack of accidents would not be a persuasive justification to increase the risk of an accident occurring in the future.
17. I have noted the in-built mechanisms which would control the operation and brightness of the digital images and the other normal operating conditions suggested by the appellant, but there can be no doubt that the proposed advertisement display would represent a significant, large-scale and somewhat unusual new source of light emission very close to this road junction, especially during the hours of darkness and in poor weather conditions when the challenges of making safe manoeuvres are likely to be further increased.
18. Drivers of vehicles approaching the junction from the south-east along the A1042 would be likely to be distracted by the digital display away from the traffic lights and other road users. In addition to this general concern, I am particularly alarmed about its potential distraction to drivers turning right from the A1042 into Roundtree Way who need high concentration levels to judge safe gaps in the oncoming traffic as well as looking out for crossing pedestrians.
19. Failure to respond adequately to traffic signals and other road users would carry a significant risk to highway and public safety at this busy junction. The advertisement, allied to the place where it is proposed to be sited, would be so distracting that it would create hazards for and endanger people who are taking reasonable care for their own and others' safety. My findings are line with the

Highway Authority, who objected to the application. Having reviewed all the material before me, I find no compelling reasons to depart from that professional highway opinion.

20. These concerns are sufficient for me to find that the proposed advertisement display would pose an unacceptable risk to public safety contrary to the Regulations. The harm could not be overcome by the imposition of conditions. As the scheme would result in a significant adverse impact upon the satisfactory functioning and safety of the highway network, there would be conflict with DPD Policy TS3.

Conclusion

21. For the reasons given above and having had regard to all other matters raised, I have reached the conclusion that the appeal should not succeed.

Andrew Dale

INSPECTOR