



Appeal Decision

Site visit made on 2 August 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2022

Appeal Ref: APP/Q1825/Z/22/3297052

Gable at Kingfisher Shopping Centre, Redditch B97 4RA

- 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 Kingfisher Nominee One Ltd & Kingfisher Nominee Two Ltd against the decision of Redditch Borough Council.
 - The application Ref 22/00105/ADV, dated 19 January 2022, was refused by notice dated 28 March 2022.
 - The advertisement proposed is a new single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the advertisement on the amenity of the area and on public safety.

Reasons

Amenity

3. The proposed advertisement would be sited at first floor level on a gable of the Kingfisher Shopping Centre in Redditch Town Centre. This section of the shopping centre is built over the Redditch Ringway (the Ringway). The Ringway is a three, occasionally four, lane one way road that loops around the town centre. The character of the area is predominately commercial with large scale brick and clad buildings located on both sides of the Ringway.
4. The proposed digital poster panel would be internally illuminated and comprise 48 sheets with an overall size of 6 metres wide by 3 metres tall. Other advertisements and signage are present close to the appeal site, including the Vue sign on the same gable and a group of 9 panels on the adjoining building. Additionally, above the Ringway, lane management highway information signage is positioned on a gantry. Given the curvature and topography of the Ringway, the location of the proposed advertisement would be very close to the highway signage when first viewed by road users.
5. The Council has referred to other advertisements that have been granted consent close to the site (Ref 2014/174/ADV). However, these were not in place when I visited the site and I have no specific details of the advertisements or confirmation of the validity of the consent. The consent for these advertisements has therefore not been determinative to my decision and

I have determined this appeal based on the information before me and my observations during my site visit.

6. The National Planning Policy Framework (the Framework) states that whilst advertisements should be subject to control only in the interest of amenity and public safety, cumulative impacts should also be considered. I acknowledge the proposed advertisement would not, alone, dominate the gable of the shopping centre bridge over the Ringway which is flanked by a wall to one side and a car park on the other. However, in the wider context of the site, several other advertisements and types of signage are present. Whilst advertisements are commonplace in a commercial area and the proposed advertisement is of a modern design, it would result in a proliferation of advertisements dominating the streetscene. Therefore, despite the site not being within a conservation area or near heritage assets, the cumulative effect of the proposed development with existing signage would unacceptably harm the visual amenity of the area.
7. In accordance with the Regulations, I have considered the provisions of the development plan so far as they are relevant, including Policies 39 and 42 of the Borough of Redditch Local Plan No.4 (2017) (the Local Plan) and the Redditch High Quality Design Supplementary Planning Document (2019) (SPD). These policies and guidance, amongst other things, seek to protect amenity and local character, and therefore are relevant in this case. As I have concluded that the advertisement would harm amenity, the appeal proposal conflicts with the development plan. It would also conflict with paragraph 136 of the Framework which requires the cumulative impacts of advertisements to be considered.

Public safety

8. Many slip roads off and on the Ringway are present on both sides of the carriageway. The nearest exit slip road to the appeal site being located on the passenger side on the approach to the bridge and a slip road onto the Ringway on the driver's side, located under the bridge. The width of the carriageway does provide an openness to some sections of the Ringway, and the onus is not necessarily on drivers on the Ringway to move allow merging traffic to join. Nevertheless, there remains the need for drivers to pay particular attention to the traffic joining and leaving the carriageway, in addition to the information provided on directional signs associated with the slip roads.
9. The Planning Practice Guidance (the PPG) acknowledges that all advertisements are intended to attract attention. However, it sets out that where advertisements are proposed at locations so close to official traffic signs that road-users might be confused, particularly in the vicinity of a road junction or other traffic hazard, they may cause a danger to road users. Furthermore, it advises that one of the main types of advertisement which may cause danger to road users are those which are illuminated and/or subject to frequent changes of display.
10. The position of the proposed advertisement, close to the highway signage when first viewed by drivers on the Ringway, would have the potential to distract users from the highway information. Whilst the proposed advertisement would display static images for a minimum of 10 seconds and the appellant notes the change between images would be instant, the dissolving movement between images would, nevertheless, draw the eye of drivers. Even though the nearest

slip road off the Ringway has its own carriageway, drivers would need to be aware of the traffic joining the Ringway via the slip roads under and just after the bridge. As such, any distraction by the proposed advertisement would heighten road safety risks, increasing the potential for collisions. A lack of traffic or accident data, the forward visibility on the straight section of the Ringway and the offset position of the proposed advertisement from the highway does not affect my assessment of the increased risk likely due to the proposed advertisement. In coming to this view, I have also taken into account the following; that drivers need to take reasonable due care and attention on their own and others' safety; the proposed advertisement would not be an unexpected feature in the area; and illumination levels would comply with the relevant recommendations of the Institute of Lighting Engineers.

11. Policy 42 of the Local Plan, amongst other things, seeks to ensure advertisements would not be likely to endanger highway safety. As I have concluded that the proposed advertisement would harm public safety, there is conflict with this Policy, as well as the provisions in Section 12 of the Framework in relation to achieving well-designed places. The Council also refers to the SPD in respect of public safety. However, as this guidance relates primarily to design, it is not determinative in my decision.

Conclusion

12. I have had regard to the benefits of the appeal proposal in terms of its ability to display public information campaigns and emergency announcements. However, these matters do not outweigh the harm I have identified. I have also had regard to the operating conditions proposed by the appellant. Similarly, these would neither avoid nor overcome the harm I have identified.
13. Overall, for the reasons given above, I conclude that the proposed advertisement would unacceptably harm the visual amenity of the area and public safety. As such, it would conflict with Policies 39 and 42 of the Local Plan, the SPD and the Framework. Having had regard to all other matters raised, the appeal is dismissed.

Juliet Rogers

INSPECTOR