



Appeal Decision

Site visit made on 6 December 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 18 JANUARY 2023

Appeal Ref: APP/B2002/Z/22/3306105

Land at Railway Place, Grimsby DN32 7BN

- 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 Premier Vue against the decision of North East Lincolnshire Council.
 - The application Ref DM/0495/22/ADV, dated 6 June 2022, was refused by notice dated 25 August 2022.
 - The advertisement proposed is 2 x 48 sheet freestanding digital advertising display unit attached to monopole.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address is taken from the application form, however I have amended it to correct the word 'Palace' to 'Place' to ensure that it accurately reflects the location of the site.
3. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal, and I have taken them into account as a material consideration. Nevertheless, powers under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations) to control advertisements may only be exercised in the interests of amenity and public safety, taking into account any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.
4. The Council has referred to the effect on the setting of nearby listed buildings. The requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 do not apply to proposals for advertisement consent because the statutory duty only applies to the consideration of planning applications made under the Town and Country Planning Act 1990. Nonetheless, features of historic or architectural interest are relevant when assessing the general characteristics of the area and I have taken account of the presence of nearby listed buildings in considering the impact on amenity.

Main Issue

5. The main issue is the effect of the proposal on the visual amenity of the area, having regard to the presence of nearby listed buildings.

Reasons

6. The appeal site is an area of land situated off Railway Place, between a single storey commercial building and Cleethorpe Road, where the road is elevated, rising above the railway line. There are no designated heritage assets located on the site and it is not located within a Conservation Area. The elevated road forms a main route through Grimsby and is located in an area with a mix of commercial units, interspersed by a variety of more historic buildings. Lighting columns are located along both Railway Place and Cleethorpe Road.
7. Travelling along Cleethorpe Road from both directions and when walking along the central walkway between the carriageways, one of the most notable buildings in the view is the Dock Offices, which is a Grade II Listed Building. Whilst also glimpsed, the Grade II Listed Statue of Prince Albert is significantly less prominent from the elevated position due to its height and position. Currently there are no freestanding advertisements located alongside the elevated section of the road. When walking and driving along Railway Place, heading towards the elevated road the immediate surroundings are of a commercial nature. However, the upper floors of the Dock Offices along with the roofscape and the clock tower are clearly visible above the elevated section of the road, and it makes a positive contribution to the visual amenity of the area.
8. Despite the immediate surroundings being a commercial area, the proposal, due to its overall size and positioning, sitting above the railings located along the elevated road would result in a highly prominent and visually obtrusive feature, which would be seen in the wider context of the Dock Offices. This incongruity would be exacerbated by the absence of any other digital or traditional freestanding advertisements along this section of Cleethorpe Road.
9. The LED internal illumination, whilst it is proposed to provide static images with no moving elements to a level of brightness that would comply with technical standards, it would cause the proposed advertisements to be much more apparent and dominant. This would be compounded by the intermittent changing of the illuminated display that would further accentuate its presence visually and result in a harmful effect on the visual amenity of the area.
10. Accordingly, the proposal would appear overly prominent and visually obtrusive in public views of the Dock Offices on the approach along Cleethorpe Road from both directions and as you move along Railway Place towards the elevated road, which would have a significant adverse effect on the setting of the listed building. The appellant has suggested a number of conditions relating to the control of the display and luminance, however these would not override the harm that I have found to the visual amenity of the area.
11. The Council's Heritage Officer has identified other listed buildings that could be affected by the proposal. However, whilst those cited are all located in proximity to the appeal site, given the lack of intervisibility, intervening built form and structures and separation distances, there would not be a significant effect in this regard.
12. For the reasons outlined above, I find that the proposal would have a harmful effect on the amenity of the area. In assessing the harm to amenity, I have taken account of the setting of the nearby designated heritage assets. In reaching my decision, in accordance with the Regulations, I have taken into

account policies 22 and 39 of the North East Lincolnshire Local Plan 2013 to 2032 (Adopted 2018). These policies, seek amongst other things, to achieve a high standard of sustainable design informed by a thorough consideration of site context and to conserve and enhance the historic environment. Given that I have concluded that the proposal would harm amenity, accordingly, the proposal conflicts with these policies.

Other Matters

13. The Council has not raised concerns in terms of public safety, and I see no reason to take a different view based on the information provided.
14. I note that the appellant has identified that the proposal seeks to exploit the position alongside the elevated main road at the entrance to Grimsby and toward the resort of Cleethorpes, that along with advertising, the proposal could be used for public information campaigns and emergency messages and that the more modern digital advertisements would avoid the need for manual changes to more traditional billboard methods. However, those matters do not relate to the amenity of the area and, in any event, no mechanism for managing the content of the displays has been provided.
15. I note that the appellant has stated that a split decision would be acceptable to them, however I have found harm in relation to both of the back to back advertisements in this case and therefore a split decision cannot be issued.
16. I note that there are no objections to the proposal on the grounds of residential amenities, however this does not weigh in favour of the proposal.

Conclusion

17. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

G Dring

INSPECTOR