



Appeal Decision

Site visit made on 21 December 2022

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/N1160/Z/22/3308588

Smiths Wharf, Billacombe Road, Plymouth PL9 7HP

- 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 Plymouth City Council.
 - The application Ref 22/01415/ADV, dated 11 August 2022, was refused by notice dated 28 September 2022.
 - The advertisement proposed is a New single illuminated 48-sheet digital advertisement display.
-

Decision

1. The Appeal is dismissed.

Procedural Matters

2. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, the Regulations¹ and the Framework² make clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, been decisive, however, I have taken them into account as a material consideration where relevant.

Main Issues

3. The main issues are the effect of the proposal on the amenity of the area and public safety.

Reasons

Amenity

4. The proposal seeks to install a stand-alone illuminated 48 sheet digital display on a section of overgrown land adjacent to the vehicular entrance into the forecourt of ETB Autocentres, a vehicular repair workshop, positioned to the southern side of Billacombe Road.
5. Billacombe Road is a busy dual carriageway, which provides a strategic route into and out of Plymouth. The appeal site is at a point adjacent to a traffic light junction on Billacombe Road, just to the eastern side of Laira Bridge.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

² Paragraph 136 of the National Planning Policy Framework 2021

6. The area is predominately characterised by various commercial style premises positioned to either side of the highway, there is no prevalent style to these premises, with varying siting, scale and design characteristics. The style and manner of advertising also varies, but there is no comparative advertising to the proposed display in terms of its scale, illumination and changing digital images.
7. The display would be most readily apparent to users of the highway on the approach towards the traffic light junction in advance of Laira Bridge when leading from the east. As you approach towards the appeal site, the highway widens to provide for a dedicated lane for turning across the carriageway to the right. To the left there is a bus pull-in and an adjacent side road serving a petrol station, public house and the autocentre. At this point, when leading from the east, there is an evident cessation in the commercial uses either side of the highway, before the rise up onto Laira Bridge.
8. I acknowledge the scale and nature of the buildings and uses leading towards the appeal site from the east, the busy nature of the highway and the existing advertising, including the signage at the bus shelter referred to me by the appellant. However, the proposed display would to my mind represent a stark and incongruous commercial feature that would not appropriately harmonise with the characteristics of the appeal site and its surrounding context. This would be as a result of the prominence of the appeal site, alongside the orientation, the size, the illumination and the digital changing nature of the proposed display.
9. Whilst I acknowledge that the level of illumination could be controlled via condition, as suggested by the appellant, the display would nonetheless still be illuminated, particularly when appreciated during the winter months, which would amplify its presence and the harm I have identified above.
10. As a result, I conclude that the display would be harmful to visual amenity. The proposal would also be contrary to paragraph 136 of the Framework, which seeks to control advertisements in the interests of amenity.

Public Safety

11. The proposed display would orientate towards the east and would be most visible to the users of the highway leading from this direction when they approach the traffic light junction, with two lanes leading over Laira Bridge, and the separate lane for turning to the right. There is also the adjacent bus stop and the side lane to the left, which also includes a cycle lane, and a pedestrian crossing over the highway on the western side of the traffic lights.
12. During my visit, which I accept was for a short passage of time, whilst I noted that the highway was relatively straight with clear visibility ahead, I did experience vehicles crossing the highway lanes and there was a general perception of busyness and activity on all sides. This was due to a combination of the number of vehicles using the highway, the consideration of lane choice, the potential egress and access onto the highway from the side road and the cycle lane, the perception of movements associated with the bus stop, and the consideration of pedestrian activity at the crossing ahead. As a result, I consider that the approach to the traffic light junction from the east requires a particular focus with full attention on the highway.

13. The proposed digital display would be in the zone of vision of drivers approaching the traffic light junction when leading from the east, and in my view, the large illuminated display with changing images would draw the eye and distract the attention of drivers from concentrating on the localised conditions that exist at this challenging part of the highway, increasing the potential for conflict with highway users.
14. Whilst conditions could be imposed to ensure there is no display of moving or flashing images, this would not, in my view, be sufficient mitigation against the potential for driver distraction.
15. As a result, the proposed display would result in unacceptable impacts on highway safety and therefore harm to public safety. The proposal would also conflict with paragraph 136 of the Framework which seeks to avoid unacceptable impacts on highway safety.

Other Matters

16. I have had regard to the appellant's comments on the sustainability of the design. However, in accordance with the scope of the Regulations, my consideration of the appeal is confined solely to issues in the interests of amenity and public safety. Consequently, I attach these matters limited weight in my consideration of the proposals.
17. I also acknowledge that a totem style advertisement may have existed at the site historically as highlighted by the appellant. However, the display is no longer in situ, and nonetheless, the nature of the appeal proposal would appear entirely different to this display, for which I also have limited information about. Therefore, this has little bearing on my consideration of the appeal proposals.

Conclusion

18. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR