



Appeal Decision

Site visit made on 17 August 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/G2625/Z/22/3313069

Topps Tiles, 88-94 Mile Cross Lane, Norwich NR6 6SH

- 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 Clear Channel UK against the decision of Norwich City Council.
 - The application Ref 22/01056/A, dated 16 August 2022, was refused by notice dated 1 November 2022.
 - The advertisement proposed is replacement of existing banner advertisement with illuminated 48-sheet D-Poster display.
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Decision

1. The appeal is allowed and express consent is granted for the display of replacement of existing banner advertisement with illuminated 48-sheet D-Poster display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the above description of the proposal from the Council's decision notice and the appellant's appeal form as it more accurately and succinctly describes the proposed advertisement.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out that powers under those Regulations shall be exercised only 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.

Main Issue

4. The main issue is the effect of the proposed advertisements on the amenity of the area.

Reasons

5. The part of the appeal site where the proposed advertisement would be located comprises a strip of land situated next to a retail unit and adjacent to the eastern boundary. There are two existing banner advertisements on site, and it is proposed to remove those and replace with the proposed elevated digital advertisement unit.
6. The area surrounding the appeal site is predominantly commercial in nature, with a telephone exchange building to the east, retail units to the north and west, and car showrooms with forecourts on the opposite side of the road to the south and west. As a result, advertisements are an established and

common feature within the street scene with many of the commercial premises prominently displaying advertisements and signage of varying size and design including tall totem signs and flag stands, some of these are also illuminated.

7. The Planning Practice Guidance¹ (PPG) sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. In terms of impact upon visual amenities of nearby residents and passers-by, the advertisement would alter the view of the appeal site by the modern nature of the proposal in comparison to the existing signage. However, given the scale and position of the proposed advertisement set close to existing buildings and planting and the existence of other tall signage nearby, it would not be of a scale or be of significant difference in design that it would appear obtrusive or result in undue harm to the amenity or local distinctiveness of the area.
9. Furthermore, whilst the proposed advertisement would be taller and wider than the existing advertisements, it would not harm how existing nearby trees are appreciated and the contribution they make to the surrounding street scene.
10. The means of illumination and the method of display would also be of a more modern nature but again, this is a commercial location which can ably accommodate such a change, without resulting in an unacceptable and detrimental impact on the visual amenity of the area. Although there are residential properties located to the east and south, there is a significant degree of separation as well as the advert facing away from these properties, and the rear of it would be viewed through the well-established trees.
11. Consequently, the introduction of the proposed advertisement in this location would not harm the visual amenity of the area, including at night time, where the character of the area begins to transition from commercial premises to residential dwellings.
12. For the reasons above, I find the proposed advertisement would not result in unacceptable harm to the residential and visual amenity of the area. The Council has drawn my attention to Policy JCS2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk and Policy DM30 of the adopted Development Management Policies Local Plan. Whilst I have taken these into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. The Framework and the PPG reiterate this approach. Consequently, these have not in themselves, been decisive in making my recommendation.

Other Matters

13. I note the comments from third parties in relation to highway safety. However, there is no substantive evidence that the replacement of the existing advertisements with a digital one with changing images would cause a distraction to drivers so as to create a hazard to other road users or pedestrians, including school children, that would compromise highway safety.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

Indeed, I note there was no objection raised by the Council on the grounds of public safety, subject to conditions, and I find no reason to take a different view on that matter.

14. Third-party representations highlighting the high electricity use of such digital hoardings are noted. However, matters other than amenity and public safety cannot be taken into account when considering advertisement applications. Additionally, there is insufficient evidence to demonstrate that the proposed advertisement would result in any detrimental harm to insects, bats or birds.

Conditions

15. In addition to the five standard conditions set out in the Regulations, I have considered several additional conditions put forward by the Council and reviewed these in accordance with the tests in the Framework and PPG, and where necessary have amended the wording for clarity and conciseness.
16. In the interests of public safety and visual amenity I consider conditions relating to the method with which the displays change, audio, frequency and control of moving images, and levels of luminance to be necessary.

Conclusion

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

A Hickey

INSPECTOR

SCHEDULE OF ADDITIONAL CONDITIONS

1. Static images to be displayed only. The advertising display shall contain no moving images, flashing images, animation, audio, video or full-motion images.
2. The minimum display time for any advertisement shall be 10 seconds and the change between advertisement images shall be instant with no sequencing, fading, swiping or merging of images.
3. The screen shall not exceed a luminance of 300cd/sqm at night (between sunset and sunrise).

End