



Appeal Decision

Site visit made on 18 June 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/Z3445/Z/24/3339679

Land at Jolly Sailor Roundabout, Bitterscote Drive, Tamworth B78 3HD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Warren Milroy c/o Vivid Outdoor Media Solutions (B) Ltd against the decision of Tamworth Borough Council.
 - The application Ref is 0365/2023.
 - The advertisement proposed is described as 'the installation and display of a single freestanding 6 x 3 metre LED display unit.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may only be exercised in the interests of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. I have therefore taken Policy EN5 and Policy SU2 of the Tamworth Borough Local Plan 2006-2031 (2016) (LP) into account only insofar as they are material.

Main Issues

3. The main issues are the effect of the proposed advertisement on:
 - the visual amenity of the area; and,
 - public safety.

Reasons

Visual amenity

4. The appeal site is on land forming the centre of the Jolly Sailor roundabout, a circulatory signalised junction, incorporating pedestrian crossings. The advertisement would face south towards traffic approaching the roundabout along Bitterscote Drive.
5. Whilst the PPG states that large poster hoardings might be permitted in a commercial area, it also states that factors relevant to amenity including the

general characteristics of the locality also need to be taken into account in coming to a view that the proposal would not have an adverse effect on the amenity of a locality.

6. The highway and roundabout are prominent features in an area that is commercial in character. There are a variety of modestly sized advertisements, including illuminated shop fascia signage and a limited number of unobtrusive freestanding signs including a totem pole and pylon signs located within the vicinity of the proposed advertisement, as well as street lighting, traffic lights and road signs. However, nearby pylon signage is set back on the periphery of the highway, with some of the pylon signage partially obscured by mature trees and vegetation. These and the other advertisements are also generally related to the use of the site on which they are located.
7. Mature trees and vegetation are also a dominant feature, both on the roundabout itself and in distant views beyond the roundabout, this provides a pleasant verdant backdrop at this edge of retail location.
8. I appreciate that the proposal would not be close to any features of historical, architectural, cultural or similar interest and residential amenity would not be affected. However, 48-sheet sized illuminated digital advertisements, with intermittently changing digital images are not a feature of the area. As such and given the site context, the proposed freestanding LED digital advertisement, whilst of a modern slim design, would appear as an incongruous and prominent feature on the roundabout. Moreover, it would contrast starkly against the pleasant verdant backdrop of the trees and the mature vegetation that frames distant views, detrimental to the visual amenity of the area.
9. I have reviewed the suggested conditions put forward by the appellant. I acknowledge that the advertisements displayed could be static with an instant image change, limited to once every 10 seconds and that the level of illuminance could be restricted in line with the Institute of Lighting Professionals Professional Guide No 5. However, they would not overcome the harm to visual amenity identified, which relates to the positioning of the advertisement as well as its digital nature.
10. For the above reasons, I conclude that the proposed advertisement would have a harmful effect on the amenity of the area. It would conflict with Policy EN5 of the LP which seeks high quality buildings and places. It would also be contrary to the design policies of the National Planning Policy Framework, which at paragraph 141, highlights that the quality and character of places can suffer when advertisements are poorly designed and sited.

Public safety

11. The appeal site is located at a busy roundabout with pedestrian crossings; however, it is not a complex roundabout and it is well laid out with traffic signals controlling the flow of traffic which would not be travelling at high speed.
12. The siting of the advertisement facing south, would be within the field of vision of drivers on approach to the signal controlled crossing and roundabout. However, it would not be seen against the backdrop of the traffic signal heads and visibility of these would not be reduced. Even if the digital advertisement

were to attract attention, there would be enough time and visibility for drivers to adequately respond to the traffic signals.

13. The Council refers to a number of collisions recorded in the vicinity of the roundabout between 2019 and 2021, but very limited details have been provided as to why these incidents occurred. The Highway Authority would not support any digital advertisement sign positioned on any roundabout, but little detailed analysis has been provided as to the effects relating to this roundabout. I also understand that the advertisement could be utilised to display public safety information.
14. Therefore, on the basis of the evidence put forward, my observations at my site visit, and with suitable controls on the advertisement's display, I conclude that the advertisement would not be detrimental to public safety.
15. Insofar as material to my decision, there would be no conflict with policy SU2 of the LP which amongst other matters, requires proposals ensure adequate highway safety.

Other Matter

16. I have had regard for the social and economic benefits of the proposal. The ability to generate advertising content remotely would result in a reduction in vehicular movements and it would remove the need for printed posters. It would provide advertising space for local advertisers and allow the promotion of local attractions and activities. However, as the power to control advertisements under the Regulations can only be exercised in the interests of amenity and public safety these matters do not form part of my consideration.

Conclusion

17. The display of the digital advertisement would not be detrimental to public safety. However, for the reasons given above, I conclude the proposal would be detrimental to the interests of amenity and, therefore, the appeal should be dismissed.

T Bennett

INSPECTOR