



Appeal Decision

Site visit made on 22 August 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/E3335/Z/24/3345513

Land Adjacent to Wirral Park Roundabout, Glastonbury BA6 9XE

- 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 Alight Media Ltd against the decision of Somerset Council.
 - The application Ref is 2024/0344/ADV.
 - The advertisement proposed is for the erection and display of a single freestanding 6 x 3 metre LED display unit.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements, may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.

Main Issues

4. Paragraph 141 of the National Planning Policy Framework (Framework) states that advertisements should be the subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The main issues are the effect of the proposed advertisement on public safety and visual amenity.

Reasons for the Recommendation

Public safety

5. The appeal site is situated on a busy roundabout with four exits. This area, although edged with trees, includes a petrol station and other static signage on the roundabout, which already has the potential to distract road users. While there are no signalled pedestrian crossings near to the site, there are footways

around the roundabout, and these include dropped kerbs for pedestrians to cross.

6. The Planning Practice Guidance highlighted by the appellant identifies roundabouts as being one of the many points in which drivers need to take more care, and where advertisements are more likely to affect public safety. I also recognise that the topography around the site is generally flat, adjacent to streetlights and as such the site presents good forward visibility for approaching motorists. Nonetheless, the proposal would be situated in a highly visible position, at a point where road users attention should be focused on safely navigating the roundabout.
7. The proposed advertisement would be within the 'frame' of approaching eastbound traffic from Wirral Park Road, seeking to safely merge onto the roundabout. The proposal would be located within the immediate eye line of these approaching drivers and those passing through the roundabout. This would hamper motorist's clear sense of horizontal perspective that would confuse a driver's view of existing highway hazards. In such views motorists would be distracted by the proposed advertisement. This distraction would prevent concentration, diverting attention from other road users. This would increase the risk of collisions, thereby being demonstrably harmful to highway safety.
8. I acknowledge that there are other smaller advertisements at this roundabout. However, these are static, of a lesser scale, and related to the businesses accessed from the roundabout. Although digital advertisements can be controlled in terms of their brightness and interval between advertisement changes, the presence of a digital advertisement in this location would be highly distracting for road users. The introduction of the proposed advertisement, in addition to the other advertisements would have a cumulative effect of distracting drivers and would therefore be harmful to public safety.
9. Accordingly, the proposed advertisement would be harmful to public safety, in conflict with the Framework. In accordance with the Regulations, I have taken into account Policy DP9 of the Mendip Local Plan Part 1: Strategy and Policies 2006-2029 (2014) (Local Plan), which seek to ensure proposals are safe. As I have concluded that the proposal would harm public safety, the proposal would also conflict with these policies.
10. I have considered the conditions suggested by the appellant to limit brightness, and secure controls over the display of images. However, these would not overcome the harm I have identified as they would not address the overall prominence of the advertisement resulting from the digital display, nor would they suitably address the effect of the constant digital illumination or changing images which would contribute to that harm. I do not consider therefore that these conditions, or others, would be sufficient to mitigate the identified harm to public safety.

Visual amenity

11. The advertisement would be set before a backdrop of trees in a commercial setting. Near to the site there is a petrol station, and beyond that there are other service-station related businesses. While the proposed advertisement would be separated by a road from the other advertisements, it would still

relate to the commercial setting of the roundabout and prevailing character. The proposal would be of a larger scale than other advertisements in the commercial area, however given that 48-sheet digital advertisements are not uncommon, it would complement the overall character of the area.

12. The proposal would be adjacent to a residential area, however given that the illuminated advertisement would address the roundabout, and the rear would be screened with hedges and trees, it would not harm the visual amenity of the area in respect to the impact on residential amenity.
13. For these reasons, the proposal would not result in any significant adverse impacts to the visual amenity of the area. As such, the proposal would accord with paragraphs 135 and 141 of the Framework, which require development to be sympathetic to the local area and for a decision maker to consider its effect on amenity. In accordance with the Regulations, I have taken into account Policies DP1, DP7 and DP9 of the Local Plan, which collectively seek to ensure proposals have an appreciation of the built context of their locality. Given that I have concluded that the proposal would not harm visual amenity, the proposal would be in accordance with these policies.

Other Matters

14. I have been provided with two other examples of approved advertisements at 21 Old Taunton Road and Land at Rosebery Avenue. Their highway context differs from this appeal. The first was on the side of a building in an area with no complex junctions. In terms of public safety, the second differs from the appeal site as it was situated on the approach to a roundabout, rather than on it, as is the case in this appeal. These examples therefore bear little weight on my recommendation.

Conclusion and Recommendation

15. Although I have concluded that no harm would arise from the proposal with respect to visual amenity, it would be harmful to public safety which would not be mitigated through the control of intensity of illumination or frequency of changes. As a result, for the reasons above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR