



Appeal Decision

Site visit made on 3 December 2024 by L Clark MSc MRTPI

Decision By John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/Y2003/Z/24/3349340

Eastgate Park, Brigg Road, Scunthorpe DN16 1AE

- 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 Vivid Outdoor Media Solutions (A) Limited against the decision of North Lincolnshire Council.
 - The application Ref is PA/2024/211.
 - The advertisement proposed is the installation and display of a single freestanding 6.4 x 3.4 metre LED display unit.
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Decision

1. The appeal is allowed and the express consent is granted for the installation and display of a single freestanding 6.4 x 3.4 metre LED display unit at Eastgate Park, Brigg Road, Scunthorpe DN16 1AE. The consent is granted for five years from the date of this decision and is subject to five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement hereby permitted shall be no greater than 300 candela per square metre.
 - 2) The advertisement hereby permitted shall not be illuminated between the hours of 00:00 and 06:00 on any day.
 - 3) The advertisement hereby permitted shall display static images only and any images shall change no more regularly than every ten seconds.

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 and Main Issue

3. Prior to the making of this recommendation, a revised National Planning Policy Framework was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
4. The address above is taken from the appeal form. The application form refers to Abbey Ville roundabout whereas the decision notice refers to Ashby Ville roundabout. I have removed this reference for clarity, but I am satisfied that the location of the site is not in dispute.

5. The Council have drawn my attention to the policies relevant to the appeal and I have taken them into account as material considerations. However, power to control advertisements may be exercised only in the interests of amenity and public safety and therefore the policies alone have not been decisive. The Council do not have concerns regarding amenity, and I have no reason to disagree and therefore my recommendation focuses on the effect of the advertisement on public safety.

Reasons for the Recommendation

6. The appeal site faces towards a busy roundabout and is set back behind the pavement. The roads that join the roundabout are wide and relatively flat giving a sense of spaciousness and therefore clear visibility for road users approaching the site. The surrounding area is commercial in nature. There are other illuminated advertisements that can be seen from the site that are of a small scale and positioned on the site they advertise.
7. The proposed advertisement would have a relatively small surface area and would be somewhat screened or would face away from some traffic approaching the roundabout in part due to the orientation of the structure and the raised landscaping on the roundabout itself. I do not doubt that the roundabout is busy which is confirmed by the information that the appellant has provided to demonstrate that there are more than 29000 vehicle movements at the site per day. I have also been provided with accident data for the location which is not comparatively alarming. I have not been provided with any supporting evidence from the Council to clarify why they consider the roundabout to have known public safety concerns.
8. The roundabout is not a particularly complex junction, and I experienced good visibility on each approach to the roundabout at my site visit. The proposal would not block any lines of sight when entering or exiting the roundabout due to its position being set back from the pavement. The area is well lit and subject to a condition relating to illumination levels, the proposal would not have a dominating effect even when it is dark. The appellant also advises that the advertisement would be switched off between 12am and 6am which would further alleviate any potential to cause distraction to drivers.
9. Combined with the limited views of the advertisement on entering and exiting the roundabout in parts, its relatively small size, position being set back and the static nature of the proposed advertisements, the proposal would not result in harm to public safety. Insofar as they are material considerations, the proposal would thus accord with the general aims of Policies DS1 and DS18 of the North Lincolnshire Local Plan 2003 and Policy CS5 of the North Lincolnshire Local Development Framework Core Strategy 2011 which are concerned with highway safety amongst other things.

Conditions

10. The standard conditions shall be placed on the consent as per Schedule 2 of the 2007 Regulations. As the proposed advertisement is to be illuminated, it is necessary to apply a condition to limit the luminance level in the interests of amenity and public safety. The application form states that the proposed advertisement would have a level of 300 candela per square metre which has not been disputed by the Council and I therefore have no reason to disagree.

11. The appellant confirms that the advertisement will be off between the hours of midnight and 6am and that the advertisements shall be static and change every 10 seconds with no moving pictures. I therefore consider it to be necessary to apply a condition to these effects in the interests of public safety to prevent the advertisement becoming an unacceptable distraction to road users.

Conclusion and Recommendation

12. For the reasons given above, the appeal scheme should be allowed in the circumstances subject to the conditions set out.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the stated conditions.

John Morrison

INSPECTOR