
2021/0997 – Advertisement Consent

Applicant: Mr Ben Porte

Proposal: Installation of internally illuminated 48-sheet digital poster display

Address: Machine Mart, Pontefract Road, Barnsley, S71 1EZ

Site Location & Description

The site is a western boundary serving a car park for the retail business 'Machine Mart'. The carriageway and footway of Pontefract Road is set north of the site and traverses from east to west and vice versa. Alongside the entrance to Machine Mart car park there are several junctions located on the westbound carriageway after the site including 1no. serving the business of 'greenbros' and 2no. serving a car wash with a further significant junction onto Lambra Road. On the opposite side of Pontefract Rd served by the eastbound carriageway are the junctions with Langdale Rd and Grove Street.

Site Imagery



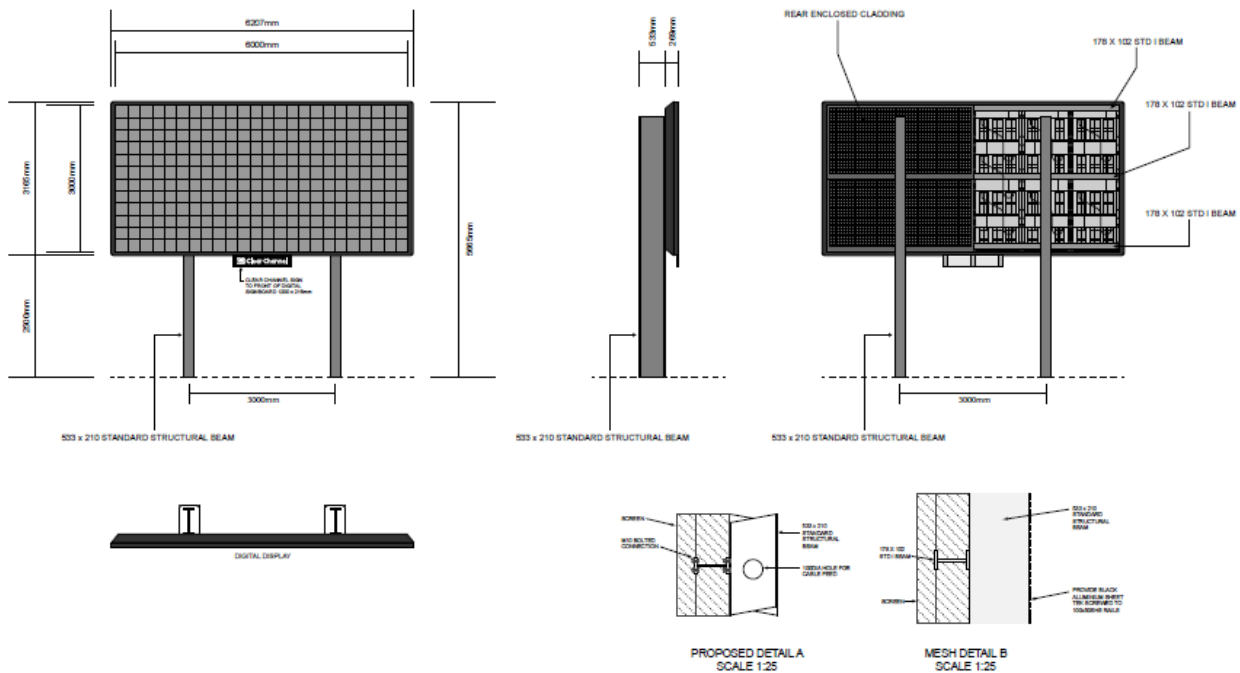
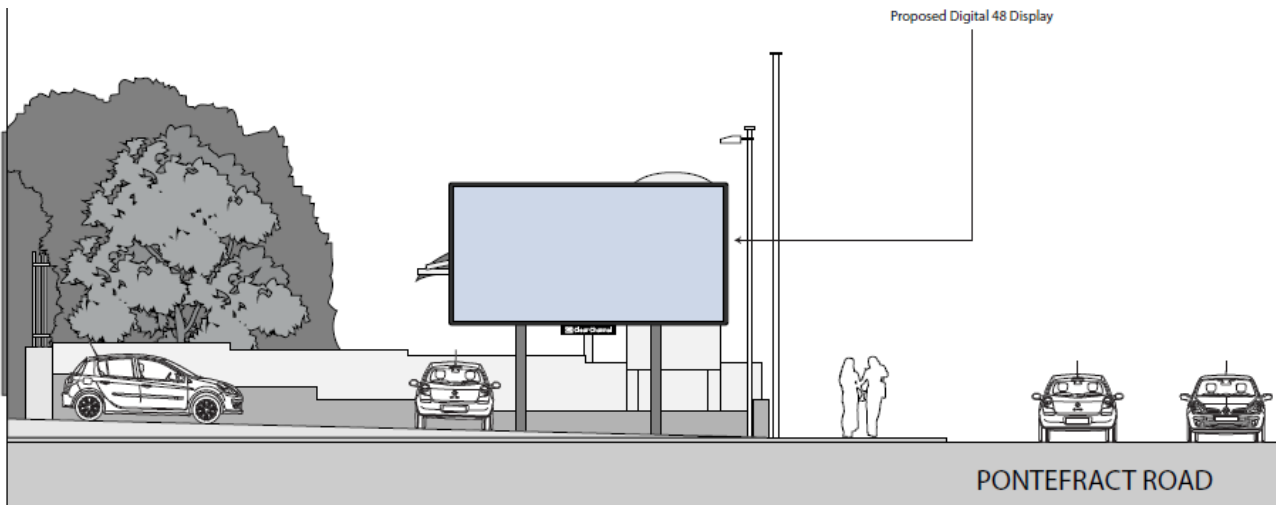
Site Red Line



Proposed Development

The applicant seeks permission for the installation of 1no. internally illuminated digital display advertisement board. The sign is to measure 6m in panel width by 3.1m in panel height at a maximum panel depth of 0.26m, facing south with a full depth of 0.8m. The full height of the sign is proposed at 6.2m. The size of the illuminated part of the panel is to be 6m by 3m to achieve an area of 18sqm. The advertisements upon the panel are to be static (no moving images or flashing lights), with changes in advertisement a minimum of every 10 seconds and internally illuminated at 300cd/sqm at night in accordance with the Institute of Lighting Engineers. The illuminance is to be controlled via light sensor and the brightness will adjust according to outside factors, such as changes from sunrise to sunset.

Elevation Plans



Streetscene



Policy Context

Planning decisions should be made in accordance with the Local Plan unless material considerations indicate otherwise and the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Council has also adopted a series of Supplementary Planning Documents (SPDs), which are other material considerations.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative impacts.

Local Plan

The site is allocated as Town Centre Gateway Site for Public Open Space Improvement and is on the Local Strategic Highway Network within the Local Plan Proposals Maps and therefore the following policies are relevant

Policy GD1 General Development

Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

Policy D1 High Quality Design and Place Making

Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy T4 New Development and Transport Safety

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Policy POLL1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result directly or indirectly in an increase in air, surface water, and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment.

SPDs

Advertisements

The SPD sets out the design principles that specifically apply to the consideration of planning applications for Advertisements

The aim of the system is to regulate advertisements in the interest of 'amenity' and 'public safety'. The main issues in determining an application will, therefore, usually be:

- The impact of the advertisement on the appearance of the site or building upon which it is displayed and upon the visual character of the area.
- The impact of the proposal upon the safety of pedestrians and vehicles.

Consultations

Responses have been received by the following consultees:

Pollution Control – Objection to proposal based upon proximity to residential properties.

Ward Cllrs –

Verbal objection from Cllr Bruff in respect of concerns of impact upon adjacent residential properties through light pollution.

Highways DC – Objections on highway safety grounds, as follows:

I note that the applicant is seeking permission for a digital advertisement sign along Pontefract Road, a well used, classified route close to the town centre. The sign is proposed to be located directly adjacent to an on-carraigeway bus stop and I have serious concerns with the potential for driver

distraction at this critical point on the highway network. Just to the east of the sign is an access providing entry to a hand car wash and further along the junction with Lambra Road.

The primary purpose of such advertising is to gain the attention of drivers, which is in direct conflict with the need for full driver attention on the road and vehicles around at all times, particularly in this instance where drivers have a number of factors to consider when travelling along this road.

For information, please see below, an extract of a study from Brunel University:

There is growing concern that roadside advertising presents a real risk to driving safety, with conservative estimates putting external distractors responsible for up to 10% of all accidents. In this report, we present a simulator study quantifying the effects of billboards on driver attention, mental workload and performance in Urban, Motorway and Rural environments. The results demonstrate that roadside advertising has a clear detrimental effect on lateral control, increases mental workload and eye fixations, and on some roads can draw attention away from more relevant road signage. Detailed analysis of the data suggests that the effects of billboards may in fact be more consequential in scenarios which are monotonous or of lower workload. Nevertheless, the overriding conclusion is that prudence should be exercised when authorising or placing roadside advertising. The findings are discussed with respect to governmental policy and guidelines.

Having reviewed the application, it is considered that the proposed moving digital signage would have a detrimental impact on road safety due to the distraction that may be caused to drivers. Whilst it is difficult to quantify / assess this level of distraction, the aim of signs that contain flashing / intermittent lighting is to attract the attention of passers by, which in turn may distract drivers and be detrimental to driving safety. As such, prudence must be exercised in this instance, and being mindful of the potential risk, the application is viewed unfavourably from a road safety perspective

Representations

Neighbour notification letters were sent to neighbouring properties and a site notice posted adjacent to the site; 4no. representations have been received which highlight the following issues.

- Loss of view (non-material consideration)
- Impact on amenity of property and health
- Potential to cause a road-traffic collision through driver distraction
- Impact on sleep due to proximity to 46 Pontefract Road and presence of illumination in close proximity to habitable windows.
- Issues in the area with existing commercial illuminated signage.

Assessment

Principle of Development

The site is allocated as within the Urban Fabric on the Local Plan Policies map, where development is expected to conform with the predominant use within the area.

The advertisement is sited in a mixed use area with commercial premises on the southern side of Pontefract Road where it is located and residential properties on the northern side of Pontefract Road adjacent. The principle of advertisement consent is set through the precedent of signage on the surrounding commercial premises, however consent is subject to the assessments relating to public safety, residential amenity and visual amenity as set out below.

Highway Safety (Public Safety)

There is growing concern that roadside advertising presents a risk to driving safety due to driver distraction.

The proposed sign would be highly visible for motorists and pedestrians travelling west on Pontefract Rd with a number of commercial and residential junctions being present in close proximity to the proposed advertisement location. There are, therefore, serious concerns in relation to the potential for driver distraction at a critical point on the highway network when vehicle users need to be focussed on the road ahead.

A digital sign, by its very nature, is there to divert attention which is in direct conflict with the need for full driver attention on the road at all times and could lead to very serious safety implications. Undoubtedly it is difficult to quantify or assess the level of distraction from the sign. Regardless, the aim of signs and advertisements that contain illuminated changing images is to attract the attention of passers by, which in turn may distract drivers and be detrimental to driving safety. As such, prudence must be exercised in this instance and being mindful of the potential risk, the application is viewed unfavourably from a road safety perspective. It should also be borne in mind that this risk is something that can have a material impact on the safety of people who use this section of road and, unlike visual amenity for instance, highway safety is not an 'ideal' standard to be attained but a minimum requirement to prevent harm to people.

It is acknowledged that the authority has approved other digital signage within the borough at Stairfoot (2019/0523) and adjacent to Victoria Crescent West (2019/034), however these other sites have alternative merits and, in any case, each application is assessed on its own merits and in this instance the proposed location for a digital display advertisement in close proximity to a busy part of the highway network is considered unacceptable. Indeed the LPA can point to several instances where they have refused and won dismissed appeals in similarly complex highway locations. These are as follows:

- 2020/0877 – 32 Summer Lane - Upgrade of existing 48 sheet advert to support digital poster.

[Planning Explorer Link](#)



APP-R4408-Z-20-325
2789 Appeal Decisio

- 2020/0857 – Land adj. Wakefield Road, near Smithies Lane - The erection and display of a freestanding 48 sheet digital LED advertising unit.

[Planning Explorer Link](#)



20200857 Appeal
Decision.pdf

- 2020/0213 – FG Tyres and Garage adj. Town End Roundabout – Erection of digital advertisement board on gable wall.

[Planning Explorer Link](#)



20200213 Appeal
Decision (1).pdf

It is consequently determined that the proposed advertisement does not comply with policy in that it would adversely undermine highway safety (and consequently public safety) due to its location and luminance relative to a complex junction, as such, the proposed advertisement fails to maintain safe, secure and convenient access and movement for highway users contrary to Local Plan Policy T4 - New development and Transport Safety.

Visual Amenity and Biodiversity

SPD: Advertisements states in section 6.1 that 'signs on shops, business and commercial premises should be limited to that which is necessary to identify the premises. Advertisement should, therefore, have regard for the design, scale and proportions of the building or site on which they are displayed. The over provision and poor design of signs can give rise to a cluttered and aggressively commercial appearance which will have a damaging impact upon the visual character of an area. The council is therefore unlikely to grant consent for '...advertisement hoardings, including poster panels and banners signs...'

The introduction of the new signage panel will dominate what is otherwise an open area for car-parking. The sign will be for a variety of advertisement not necessary to identify or promote anything on the premises and will simply be installed to promote an invariable number of promotions to passersby. The size of the panel is also very large at 18sqm and is nearly the same width as the carriageway further north – this is considered a disproportionate size relative to the area in which it is situated and will undoubtedly give rise to a cluttered and aggressively commercial appearance to the area to its detriment.

The proposal is therefore found to be in contrary to the principles set out within the SPD Advertisements and, by consequence, with LP Policy D1 – High Quality Design and Placemaking.

Residential Amenity

The site is located on a major artery into the town centre so passing lights from vehicles should be expected in residential properties, as well as from the existing static illumination of the Machine Mart and GreenBros signage on the southern side of the street. That being said, the change in illumination every 10 seconds, 6 times a minute and 360 times an hour will undoubtedly be the introduction of something entirely new to the area with colours that change relatively frequently relative to the habitable windows nearby. The illuminated panel will be located a minimum of 13m from No.46 Pontefract Rd and 15m from 48 Pontefract Rd – those being the properties most obviously implicated by the siting of the advertisement. By contrast the signage of Machine Mart and GreenBros lie nearly twice as far away and the proposed advertisement clearly introduces a new illumination significantly closer to residential properties as a result. It is appreciated that the sign faces east and does not directly face the cited adjacent properties and is proposed with illumination levels that conform with the Institute of Lighting Professional's guidance, nevertheless the advertisement will still cast light at an angle into the habitable windows of 46 and 48 Pontefract Rd at an incredibly close distance of <15m. This will undoubtedly lower the quality of life of the inhabitants of those properties. Indeed though the location is proximate to the town centre and in a mixed use area, a bare minimum of restraint in respect of protecting amenity must be sought for residents who already have to contend with high levels of light pollution from adjacent commercial premises and from vehicles utilising a main arterial highway – the number of objections from nearby properties confirm such a stance. Fundamentally the proposal is viewed as an intrusive element relative to nearby residential properties and should be refused permission on this basis.

The proposed advertisement panel is detrimental to the amenity of adjacent residential properties through its siting in close proximity to the habitable room windows of No.s 46 and 48 Pontefract Road and contrary to the principles of amenity outlined within LP Policy GD1 – General Development.

Conclusion

In conclusion, the proposed signage is considered contrary to the policies of the adopted Local Plan.

In the opinion of the Local Planning Authority, the proposed advertisement would adversely impact highway safety due to its location and interaction with highway users on Pontefract Rd, Langdale Road and Market Close as well as those entering or existing from the junctions serving Machine Mart, GreenBros or the Car Wash further west. Consequently it is considered that the signage would harm the safe, secure and convenient access and movement of highway users on Pontefract Road and is therefore in conflict with Local Plan Policy T4 - New Development and Transport Safety and the SPD Advertisements

In the opinion of the Local Planning Authority, the proposed advertisement would materially harm the appearance of the street scene by reason of its size, siting and undue prominence that would result in over-commercialisation and dominance of the locality and is therefore in conflict with Local Plan Policy D1 - High Quality Design and Place Making and the SPD Advertisements

The size, illumination, proximity and period of advertisement change (every 10 seconds) of the proposed sign relative to the habitable windows of adjacent residential properties (Nos. 46 & 48 Pontefract Rd) shall incur a detrimental loss in amenity for the occupants of those dwellinghouses above the prevailing light pollution levels of the surrounding urban environment along Pontefract Rd and the proposed advertisement panel is consequently determined to be in conflict with Local Plan Policy GD1 – General Development and the SPD Advertisements

Recommendation

Refuse