
2023/0871

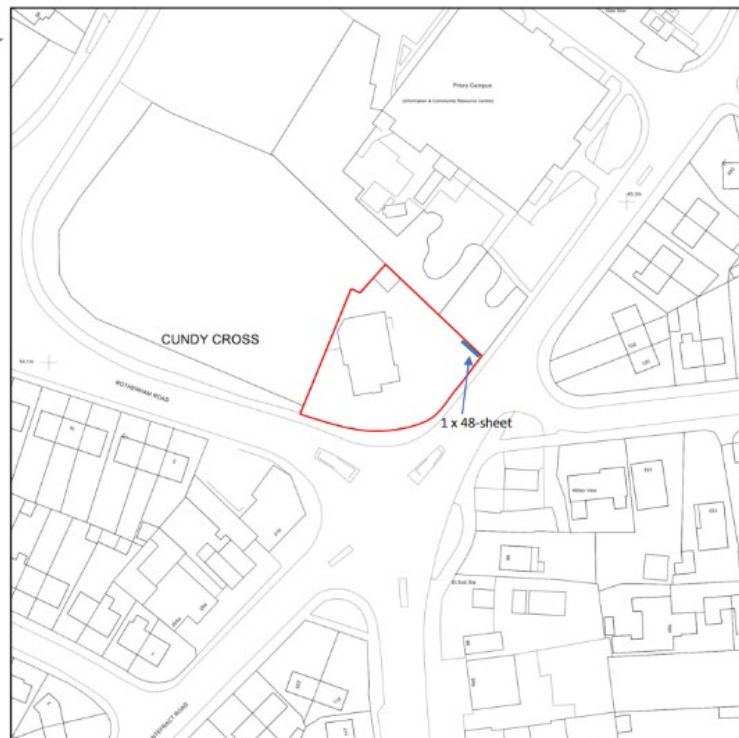
Mr Paul Hardy

Unit A, Priory Arms, Rotherham Road, Cundy Cross, Barnsley, S71 5RF

Installation of 1 x 48 sheet free-standing LED illumination advertising display panel (measuring 6.2M wide x 3.2M high and comprising metal frame and sealed LED screen).

Site Description

The application relates to a site adjacent to the north-east boundary of a car park serving a two-storey building – formerly the Priory Arms public house – comprising ground floor commercial uses and first-floor flats, and to the north-east of a major crossroads junction intersecting Pontefract Road (A628), Rotherham Road (A633), and Grange Lane (A633). The car park is accessed off both Rotherham Road to the south-west and Pontefract Road to the south-east.



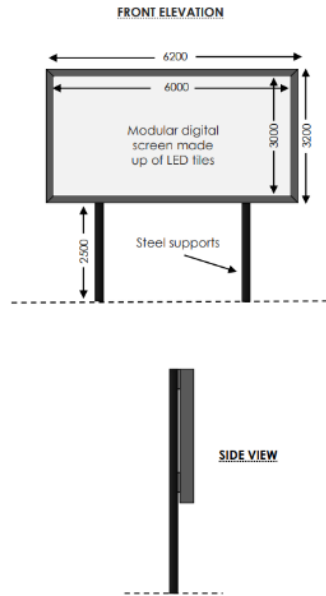
Planning History

There is an extensive planning history associated with the application site dating back to 1982; however, the most relevant applications are as follows:

- 2011/1386 – Retention of “hoarding” style sign and display of externally illuminated fascia and 3 no. signs. – A split decision was issued whereby the hoarding was refused but the fascia’s approved. A subsequent planning appeal was unsuccessful against the refusal.
- 2011/1483 – Additional retail unit within the existing ground floor area and conversion of first floor flat to 3 no. flats (Resubmission of 2011/0729). – Approved January 2012.
- 2013/0444 – Display of externally illuminated signage. – Approved June 2013.
- 2023/0946 – Installation of 1 x 48 sheet free standing LED illuminated advertising display panel (Measuring 2m wide X 3.2m high and comprising pressed metal frame and sealed LED screen). Different proposal compared with application 2023/0871. – Under Consideration.

Proposed Development

The applicant is seeking approval for the installation of a 48-sheet freestanding digital display advertisement that would measure approximately 6.2 metres wide by 3.2 metres high, sitting approximately 2.5 metres above ground level. The advertisement would comprise a modular LED display encased by a metal frame attached to 2 no. steel supports. The advertisement would show static images that would change at intervals of not less than 10 seconds and would adopt a maximum luminance level of 300 candelas per square metre at night.



VIVID

Vivid Outdoor Media Solutions
(A) Limited
 Landmark House
 Station Road
 Cheadle Hulme
 Cheshire SK8 7BS

SITE LOCATION
 Barnsley Plumbing Centre
 Rotherham Road
 Barnsley
 S71 5RF

DRAWING NAME
 BPC3 Specification
 Drawing

DRAWING SCALE
 1:100 @ A4

DATE
 4th September 2023



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PROPOSED VIEW

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- ***Section 12: Achieving well designed places.***

Local Plan Allocation – Urban Fabric

The site is allocated as urban fabric within the adopted Local Plan, which has no specific land allocation and therefore, the following policies are relevant:

- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy D1: High quality design and place making.***
- ***Policy SD1: Presumption in favour of Sustainable Development.***

Supplementary Planning Document: Advertisements

The SPD outlines the principles that specifically apply to the consideration of planning applications for advertisements. The aim of the system is to regulate advertisements in the interests 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; and
- The impact of the proposal upon the safety of pedestrians and vehicles.

Consultations

Highways DC and Pollution Control were consulted on this application.

Highways DC: No objection to the proposal subject to the following conditions, including that, if permission were to be granted, it would be on an initial temporary basis for a period of one year, so that the impact upon highway safety may be monitored and reviewed prior to any permanent permission being granted.

1. In daylight hours, the maximum luminance of the digital advertisement hereby approved shall not exceed the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m^2 .

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.

2. The night-time illumination (defined by the period after the sun has set) of the digital advertisement hereby approved shall be restricted to 300cd/m^2 .

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.

3. The proposed development hereby approved shall comply with the following restrictions:
 - No individual advertisement(s) displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road traffic signs, traffic lights or traffic matrix signs.
 - No individual advertisements shall be displayed for a duration of less than 10 seconds.
 - Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panels, the interval between successive advertisements shall be no greater than 1 second and the complete display shall change without visual effects.
 - The display panels shall be fitted with a light sensor, designed to automatically adjust the brightness to accord with changes in ambient light levels.
 - A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.

Pollution Control: Objection to proposal based upon the likely impact to the amenity of existing first-floor flats from the illumination of the advertisement.

Representations

Neighbour notification letters were sent to surrounding properties and the application was publicised by way of a site notice, expiring 23rd October 2023. No representations were received.

Assessment

Principle of Development

The site is allocated as urban fabric and is in proximity of the Local Strategic Highway Network as identified within the adopted Local Plan. The erection of advertisements is therefore, considered acceptable in principle provided that it would be appropriate in scale and respectful of local character. Any proposal will also be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in light or other pollution which would unacceptably affect or cause nuisance to the natural and built environment or to people.

Residential Amenity

The installation of advertisements is considered acceptable in principle provided that any development would not result in an unacceptable increase in pollution which could affect or cause nuisance to the natural and built environment or to people.

The proposed digital display advertisement would be located to the north-east boundary of a car park serving a two-storey building – formerly the Priory Arms public house – comprising ground floor commercial uses and first-floor flats. Some disturbance to residential properties arising from the illumination of existing lighting structures, signage, and digital display advertisements, and passing traffic, street lighting, and the static illumination of other commercial premises should be expected, especially in the context of their proximity to the major crossroads junction intersecting Pontefract Road, Rotherham Road, and Grange Lane, and the character of the surrounding area which comprises a mix of commercial and residential uses. However, due to the positioning of the former Priory Arms public house within its plot in relation to the location and orientation of the proposed advertisement (approximately 19 metres away), it is considered that the proposal would result in an unacceptable increase of light pollution that could impact habitable room windows located on the east elevation of the building that serve Flat 3 (as shown on the approved plans of planning application 2011/1483) and therefore, likely to exacerbate the existing level of impact to the detriment of the amenity currently afforded to this property.

The proposal is therefore, found to be contrary to the principles outlined within *Supplementary Planning Document: Advertisements* and, by consequence, *Local Plan Policy GD1: General Development* and *Local Plan Policy POLL1: Pollution Control and Protection*. The proposal is therefore, considered to be unacceptable regarding residential amenity.

Highway Safety

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

The Planning Practice Guidance for advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care, more likely to affect public safety. The main type of advertisement which may cause danger to road users are those that are illuminated, which could be mistaken for, or confused with, traffic lights, or for those which, because of their size or siting, could obstruct or confuse road users' views, or reduce the clarity or effectiveness of a traffic sign or signal.

Nevertheless, it is difficult to quantify or assess the level of distraction from an advertisement, especially as those that are illuminated and comprise of alternating images are designed to attract the attention of passers-by, which could in turn, distract drivers to the detriment of 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 highway safety perspective. It should be borne in mind that this risk is something that could have a material impact on the safety of people and, unlike visual

amenity for instance, highway safety is not an 'ideal' standard to be attained, rather a minimum requirement to prevent harm to people.

The proposed digital display advertisement would be primarily visible to motorists travelling north-east on Pontefract Road (A628), and to a lesser extent, those travelling north-west along Grange Lane (A633) and Rotherham Road (A633). All three roads intersect at a major traffic light-controlled crossroads junction that forms part of the Local Strategic Highway Network. This junction is normally busy and experiences high volumes of traffic daily and, especially at peak times which can often see queuing traffic where pedestrian crossings also need to be considered.

Highways DC have not explicitly objected to the proposal; however, it is acknowledged that when the illuminated display would come into the full view of approaching drivers (approximately 20 metres away), those drivers would need to remain fully aware of the road ahead as vehicles in front may be slowing or may have stopped in order to turn right onto Lang Avenue. This priority junction is located directly opposite the proposed siting of the advertisement. Moreover, it is acknowledged that Highways DC have objected to another application (2023/0946) submitted by the same applicant for a similar proposal located to the western side of the former Priory Arms public house. Therefore, it is considered that the concerns raised could have implications for this application, which is subject to consideration.

It is acknowledged that the authority has previously approved digital display advertisements elsewhere in the borough, including at Stairfoot (2019/0523), adjacent Victoria Crescent West (2019/0734), and Goldthorpe (2019/1314). It is also acknowledged that an application refused by the authority (2020/1059) was subsequently successful upon appeal. Nevertheless, each application is assessed on its individual merits and, in this instance, the proposed siting of the advertisement in proximity of a busy part of the Local Strategic Highway Network is considered unacceptable. Indeed, the authority can point to several instances where similar applications with similar constraints have been refused and subsequently dismissed upon appeal. These can be viewed individually via the planning explorer (<https://planningexplorer.barnsley.gov.uk/>) and are as follows:

- 2021/0628 – Buzz Bingo, Pontefract Road. – Installation of 1no 48 sheet freestanding digital advertising display unit.



20210628 Appeal
Decision.pdf

- 2021/0470 - Land adjacent 1 Grange Lane. – Upgrade of two existing 48 sheet adverts to support digital poster.



20210470 Appeal
Decision.pdf

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



20200877 Appeal
Decision.pdf

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



20200857 Appeal
Decision.pdf

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



20200213 Appeal
Decision.pdf

Consequently, it is considered that the proposal would adversely undermine highway safety (and consequently public safety) due to the location of the proposed advertisement and its illumination relative to a busy junction; therefore, failing 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

The *Supplementary Planning Document: Advertisements* provides guidance in relation to the type of advertisement that the authority may grant consent for. This is specifically outlined in paragraphs 6.1 and 6.2.

6.1: Signs on shops, businesses and commercial premises should be limited to that which is necessary to identify the premises. Advertisements should, therefore, have regard for the design, scale and proportions of the building or site on which they are displayed. The over provision or poor design of signs can give rise to a cluttered and aggressively commercial appearance which can have a damaging impact upon the visual character of an area.

6.2: The Council is, therefore, unlikely to grant consent for:

- Advance warning or directional signs.
- Advertising hoardings, including poster panels and banner signs.
- Signs on shops above fascia level.
- Signs on business premises above 1st floor level.
- Signs which appear out of scale or character with the building locality or surrounding signage.

It is acknowledged that an application (2020/1059) for a similar proposal located on a site on the opposite side of Pontefract Road was refused by the authority but allowed at appeal. Nevertheless, each application is considered on its individual merits and, whilst it is accepted that the proposed advertisement would be installed in an area with an established mixed commercial and residential character, the proposal, due its prominent siting and proposed illumination, could give rise to an aggressively commercial appearance as a result of the over provision of this type of advertisement within the immediate locality. This would be further exacerbated by a separate application (2023/0946) for another digital display advertisement within the same plot of the former Priory Arms public house. All three advertisements – existing and proposed – would be approximately between 30-60 metres apart.

The proposal is therefore, found to be contrary to the principles outlined within *Supplementary Planning Document: Advertisements* and, by consequence, *Local Plan Policy D1: High Quality*

Design and Placemaking. The proposal is therefore, considered to be unacceptable regarding residential amenity.

Conclusion

In conclusion, the proposed digital display advertisement is considered to be contrary to the policies of the adopted Local Plan.

In the opinion of the Local Planning Authority, the proposed advertisement would result in an unacceptable increase of light pollution that would adversely impact the first-floor habitable room window(s) of flat 3 located on the east elevation of the former Priory Arms public house, and is therefore, in conflict with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection.

In the opinion of the Local Planning Authority, the proposed advertisement would adversely impact highway safety due to its size, siting, and interaction with highway users travelling north-east along Pontefract Road (A628) and those that may be slowing or may have stopped in order to turn right onto Lang Avenue. The proposal is therefore, considered to harm the safe, secure, and convenient access and movement of highway users and is therefore, in conflict with Local Plan Policy T4: New Development and Transport Safety.

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 the 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 Supplementary Planning Document: Advertisements.

Recommendation:
Refuse.