



Appeal Decision

Site visit made on 11 July 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH July 2022

Appeal Ref: APP/R4408/Z/22/3297360

Land at Shambles House, Shambles Street, Barnsley S70 2RN

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Aight Media against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0140, dated 2 February 2022, was refused by notice dated 1 April 2022.
 - The advertisement proposed is new pair of free standing illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisements on public safety and on the amenity of the area.

Reasons

Public safety

3. The proposed digital advertisements would be located adjacent to Shambles Street which is a busy main road within the town. The immediate locality contains a mixture of commercial activities and numerous forms of advertisements. However, none that I observed are digital displays.
4. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network. Consequently, having regard to the Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature'. Therefore, they are generally unlikely to be a distraction to road users in normal driving conditions.
5. However, paragraph 067 of the Guidance (*Reference ID: 18b-067-20140306*) advises that public safety could be affected where advertisements are located, for example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge, level crossing or other places where local conditions present traffic hazards. This paragraph does indicate that there are less likely to be road safety problems if, amongst other things, the advertisement is on a site within a commercial or industrial locality or a normal poster panel. In this instance, the appeal site lies within a commercial area. However, it is not a normal poster panel, but a digital display where the image would regularly change.

6. I accept that the proposed change in display would be almost instantaneous and would not change more than once every 10 seconds. However, any change in image would draw the eye and encourage a motorist to look towards the display to see the new advert.
7. The exit off the Townend Roundabout onto Shambles Street is within the immediate vicinity of the site. The proposed advertisement would be visible to drivers using the roundabout, where vehicles are changing lanes and exiting at different junctions. Moreover, drivers exiting from the roundabout onto Shambles Street quickly approach a pedestrian crossing. Here, the digital advertisement would be within the same view as the traffic signals for the crossing. In such a location, a small distraction could lead to a collision as vehicles manoeuvre.
8. Moreover, when approaching the digital advertisement travelling south west along Shambles Street, vehicles are readying to join the roundabout but initially need to react to potentially vehicles exiting onto Peel Parade, to the car park, the change to two lanes and the pedestrian crossing. Individually, none of these elements are complicated features. However, collectively they do necessitate an increased level of awareness.
9. Although vehicles may not be travelling at a high speed, given the prominence of the digital advertisement proposed, the introduction of a rotating digital display in this sensitive location would increase the risk from distraction to an unacceptable level.
10. I have been referred to various research studies on roadside advertising. Moreover, I note that advertisements have been granted consent elsewhere. However, I am required to consider the proposal on its merits and my concerns relate not to the principle of digital advertisements along roads in commercial areas but to the specific location on this highway network.
11. Conditions have been suggested by the appellant which would control amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, the matters covered by the suggested conditions would not overcome my fundamental concern over the potential distraction caused by a moving advert. As such, I conclude that the proposed digital advertisements would prejudice public safety in the area.
12. The Council has cited Policy T4 of its Local Plan and its Advertisements SPD in the reason for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken them into account, they have not been a decisive consideration in my determination of this appeal.

Amenity

13. The heavily built-up environment near the site is broken up by maturing trees on and around the Townend Roundabout and small pockets of green infrastructure, including a small park. These landscape areas make an important contribution to the amenity of the area in softening and contrasting with the more urban built-up environment providing visual relief. When approaching the roundabout travelling south west, the proposed advertisement would be a large structure, highly visible, drawing the eye as the image

changes and would be seen visually in the foreground of the trees near the roundabout.

14. Although there is an existing advertisement at the appeal site, it sits considerably lower and allows views over the top to the trees. As such, it maintains the pleasing approach to the roundabout. This would be significantly eroded by the strikingly vibrant digital display.
15. Moreover, the digital advertisement would also be seen in combination with the trees at various points on, and within the vicinity of, the roundabout. The vibrancy and size of the image would again also erode the visual relief and softening effects of the trees and landscaping.
16. I accept that on the approach exiting the roundabout once moving passed the trees, the proposed advertisement would be seen against the backdrop of much taller buildings and the rising land. In this view, the proposed digital advertisement would not appear incongruous in its commercial setting, despite being a distraction to oncoming traffic. However, this does not overcome, or outweigh my concerns in relation to the harm to the amenity of the area as set out above.
17. I therefore conclude that the proposed digital advertisements would have a harmful effect on the amenity of the area. The Council has cited Policy D1 of its Local Plan and its Advertisements SPD in the reason for refusal. However, for the reasons previously given, they have not been decisive in my determination of this appeal.

Other Matters

18. Whilst I recognise their advantages, I do not have substantive evidence regarding the potential environmental benefits of digital advertisements. However, I recognise that they have economic and social benefits. Given that the proposal is for two displays, such benefits are likely to be small. Moreover, there are no firm details as to why such benefits could not be derived at other locations without the public safety and amenity concerns that I have identified.

Conclusion

19. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR