

6 April 2021

Barnsley Metropolitan Borough Council  
Planning and Building Control  
Barnsley MBC  
PO Box 634  
Barnsley  
S70 9GG

**CCUK Ref:** 12603/BP  
**Planning Portal Ref:** PP-09699884

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)  
REGULATIONS 2007 (AS AMENDED)**

**M C MILLS AND CO BUILDING, LOWER CASTLEREAGH STREET, BARNSELY**

In accordance with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ('the Regulations'), please find enclosed an application for express advertising consent.

Accordingly, the application comprises the following documents and drawings:

- Application Form
- Site Location Plan
- Site Block Plan
- Existing Elevations
- Proposed Elevations
- Proposed Specifications
- Proposed View (Photomontage)

The fee of £462 will be submitted via the Planning Portal under the relevant reference.

**THE APPLICATION SITE**

The application site is located at the M C Mills and Co building on Lower Castlereagh Street.

The enclosed proposal seeks consent for an advertising structure with an internally illuminated 48-sheet (6m by 3m) digital poster display.

Such displays are now increasingly common as the advertising industry moves towards more flexible and sustainable media platforms.

Subject to reasonable planning conditions set out in this application, the proposed advertisement will not detract from local amenity or pose a material risk to public safety.

## **THE PROPOSED ADVERTISEMENT**

The proposed display would have a landscape profile and have a display area measuring 6m in width and 3m in height. The display modules would be enclosed in a pressed metal and reinforced plastic frame that is lightweight and can be erected with limited additional engineering.

The changing display would present a range of static images on rotation, at the industry standard of once every 10 seconds. Advertisement images would not, therefore, contain any movement, animation, or flashing lights, with the interchange between each advertisement a gradual and smooth fade.

The new display would be illuminated to levels that accord with the recommendations of the Institute of Lighting Professionals ('The Brightness of Illuminated Advertisements' PLG05, 2015). It states that the uniformity of luminance across a display area must be kept within reasonable limits to ensure a pleasing and effective result. 'Pleasing' should be satisfactory in the interests of amenity; 'effective' can be taken to be legible and clear.

At night, it recommends a maximum luminance level of 300 candelas/sqm in city/urban areas. Recognising the changing levels of ambient light throughout the day, it states that digital displays should never exceed 5000 candela/sqm. Although this is an upper limit, the actual level, in all likelihood, will be well below this.

It is therefore desirable to include a system that controls luminance accordingly and takes into account any curfews, and the changing time of sunset, and dawn throughout the year. Hence, the display is regulated by an inbuilt ambient light sensor, to monitor and adjust the luminance of the display area, ensuring it is not overly bright or a cause of glare.

Content will be controlled remotely in real time and the site will be monitored 24/7 using diagnostics software to facilitate both responsive maintenance and resolve any issues that arise.

To ensure compliance, Clear Channel advance a series of planning conditions, in addition to those applied as standard by Schedule 2 of the Regulations. They are set out in an addendum to this letter and reflect best practice and decisions issued by local planning authorities and Inspector's across the UK.

## **POLICY FRAMEWORK**

The powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety, taking account of any material factors.

The National Planning Policy Framework ('the Framework') and the Planning Practice Guidance ('the PPG') reiterate this approach, and under section 222 of the Town and Country Planning Act 1990 Act, planning permission is deemed to be granted for any development of land involved in the display of advertisements in accordance with the Regulations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the primacy of the development plan does not apply to advertisements and therefore local policies are material insofar as they are relevant; they are not decisive. Greater weight is attributed to site specific circumstances.

Paragraph 131 of the Framework states that great weight should be given to outstanding of innovative designs which promote high levels of sustainability, consistent with the emphasis that local planning authorities should respond positively to changes and innovations offered by new technology.

Digital poster displays are a more efficient and sustainable media platform compared to their more traditional paper or vinyl counterparts, whose content remains in situ until they are manually changed. They are recyclable, and their remote operation removes the need for frequent site visits and reliance on non-renewable resources.

The sustainability benefits of the proposal should therefore be given weight in the local planning authority's assessment.

## **PLANNING BALANCE**

The PPG advises that the local characteristics of an area should be considered when assessing amenity. It is generally supportive of advertisements in an industrial or commercial area of a town or city, where there are large buildings and main highways; this is the case here.

The site is not within a conservation area, nor are there any listed buildings or other heritage assets in the vicinity which warrant special consideration.

The advertisement would be illuminated to levels that accord with PLG05. Light sources from street lamps, buildings and vehicles along the West Way ensure there is already an existing level of luminance along this commercial corridor. Hence, the advertisement would unlikely add so significantly to the existing level of illumination within the area that it would be detrimental, and this is to be conditioned to ensure compliance.

Main views of the advertisement would be limited predominantly to those headed north west. The mass of the flank wall can accommodate an advert of this size without it appearing excessive in scale, and no architectural features of the building would be cut across or obscured. In such a commercial area, the display would not look discordant or alien, and it would not result in a change to the amenity status of an otherwise utilitarian setting.

On balance, therefore, the proposal would sit comfortably in its visual context and would have no discernible impact on the existing character and appearance of the area.

With regards public safety, the PPG states that all advertisements are intended to attract attention and there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality.

The new display would be visible mainly to those travelling north west on West Way. The road is level, well-lit and the display would be visible for an appreciable distance allowing drivers to assimilate it and their surroundings. A review of data for the preceding 5 year period shows no accidents having in the vicinity of the site.

The new advertisement would be internally illuminated and would sequentially show static images rather than moving images or animation; all are to be secured by condition. There are no unusual complexities here, and the site's offset and elevated position ensures it would not obscure any sightlines or interfere with the clarity of the highway's infrastructure, as desired by the PPG.

In these circumstances such a familiar urban feature would not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care.

Consequently, it is considered that the proposed advertisements would not unduly distract highways users and give rise to safety issues.

## **SUMMARY**

The proposal submitted reflects the applicants' preferences.

Should the Council wish to discuss any aspect of the scheme, Clear Channel would welcome the opportunity to address any concerns prior to determination.

As a reminder, an addendum of suggested conditions is set out overleaf, and should help guide the Council's assessment.

If you require additional information or clarification, please do not hesitate to contact us.

Yours faithfully

**Ben Porte**  
**Planning Manager**

E: [ben.porte@clearchannel.co.uk](mailto:ben.porte@clearchannel.co.uk)

T: +44 (0)20 7484 2200

 **Clear Channel**

## **SCHEDULE OF CONDITIONS ADVANCED BY THE APPLICANT**

1. Express consent is hereby granted for a period of five years from the date hereof;
2. No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land);
3. No advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;
4. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site;
5. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public;
6. If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity; and
7. The advertisement hereby approved shall display static images only and change at a frequency of once every 10 seconds.
8. During periods of darkness, the luminance level shall not exceed 300 candela/sqm as advised by the Institute of Lighting Professionals' publication PLG05 (2015): "The Brightness of Illuminated Advertisements".