2021/0628 – Advertisement Consent

Applicant: Mr Rob Smith

Proposal: Installation of 1no 48 sheet freestanding digital advertising display unit

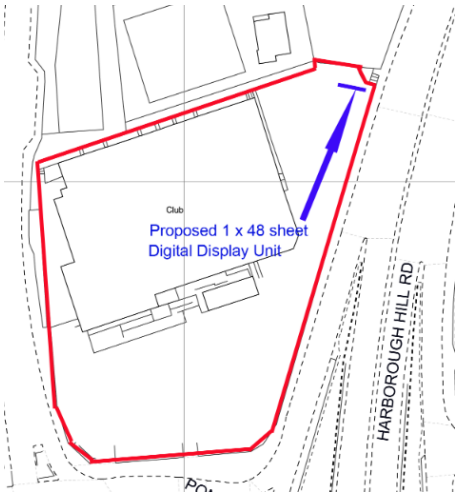
Address: Buzz Bingo, Pontefract Road, Barnsley, S71 1AY

Site Location & Description

The site is a tarmacadamed service yard/car park set adjacent to the north east elevation of a building housing a Buzz Bingo entertainment venue. The site is set down in level relative to Harborough Hill Road (HHR) which is an A Class dual-carriageway. The highway's retaining wall forms the eastern boundary to the site and a grade-separated slip-road is located further south east that allows traffic to flow onto HHR northbound. A set of stairs immediately adjacent to the site location also provide pedestrian access to the HHR and a TPO'd Beech tree overhangs the site on the other side of the northern boundary.

No advertisement or signage is currently located on the site and the proposal would be a new commercial addition to the area.

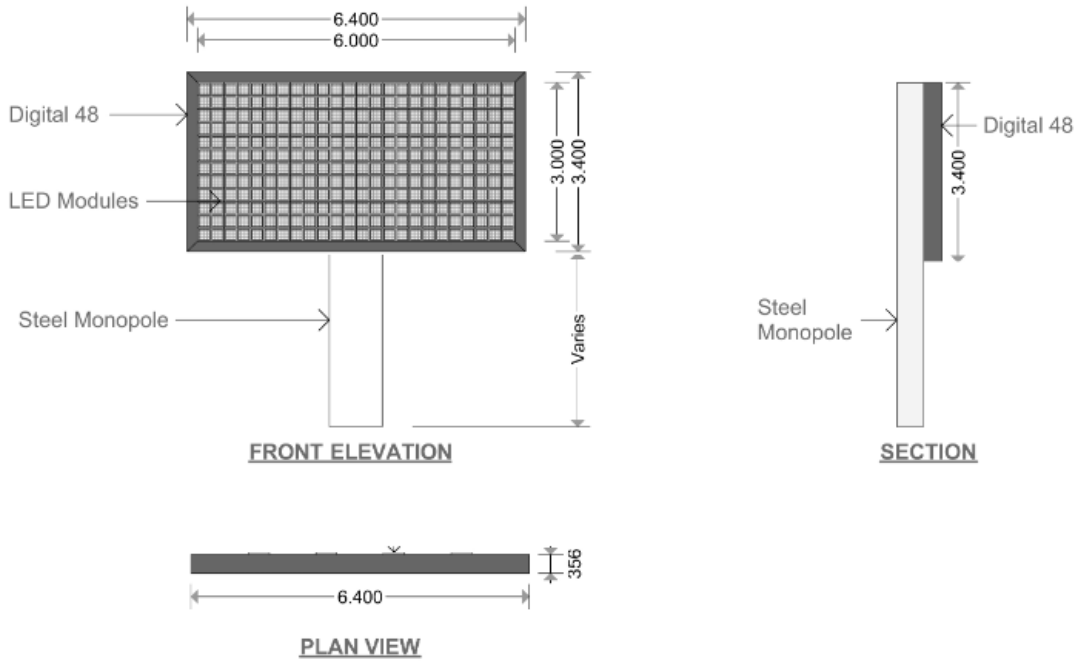




Proposed Development

The applicant seeks permission for the installation of 1no.internally illuminated digital display advertisement board. The sign is to measure 6.4m in width by 3.4m in panel height at a maximum panel depth of 0.356m, facing south. The full height and depth of the sign is not known as the supporting steel is stated as 'varies' on the submitted plan. 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 600cd/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



Photomontage Impression



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.

Policy BTC23 Eastern Gateway
We will allow transport related development, office, education, community, and youth facilities and public spaces within the Eastern Gateway District.

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:

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

I would raise serious concerns with this application for the positioning of a digital advertisement sign. The sign is to be located directly adjacent to the A61 Harborough Hills Road, at a point where traffic from the town centre join via a slip road where drivers need to be aware of their surroundings with no potential distraction.

The primary purpose of such advertising is to gain the attention of drivers. This is in direct conflict with the need for full driver attention on the road and vehicles around at all times.

For information, a study from Brunel University cites the abstract below:

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 will likely have a detrimental impact on road safety due to the potential distraction this may cause 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, due to the potential for driver distraction at a critical point on the highway network I would propose that this application be refused under road safety grounds.

Representations

Neighbour notification letters were sent to neighbouring properties and a site notice posted adjacent to the site; one letter of objection has been received in relation to highway safety and the distraction the sign would cause.

Assessment

Principle of Development

The site is allocated as within the Eastern Gateway district of the Town Centre on the Local Plan Policies map, where development is expected to conform with the uses that are permitted in this district

The erection of signage or replacement signage is deemed acceptable in principle on account of the advertisement's town centre location, however, consent will only be granted where the development is found to be appropriate in design and respectful of the character of the area and advertisements should not adversely impact on the amenity of local residents, undermine highway safety or result in an increase in light pollution.

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 on the slip road from Pontefract Road as one travels north onto the main town centre bypass of Harborough Hill Road and there are 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 joining moving traffic..

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. The slip road is grade separated with users of the slip road and those already in the near-side northbound lane of HHR unable to see each other until the end of the slip road where the carriageways join. The point where the roads connect is approximately 43m from the proposed sign and vehicles are expected to enter at or around 40mph which is 17.9m/s. The length of the connection where a vehicle on the sliproad can safely remain in its lane is approcimately 66m, there is therefore only 23m of spare capacity within the slip road once a vehicle passes the sign to be able to join safely which, if a vehicle is travelling at 40mph, allows for 1.28 seconds of joining time. The overall joining time for the slip road junction onto HHR is approximately 3.68 seconds at 40mph.[1] The google imagery presented below (Captured September 2020) presents how vehicles use the highway and how vehicles tend to utilise the nearside lane as vehicles join from the slip-road.

Length of Slip Road connection to HHR – 66m



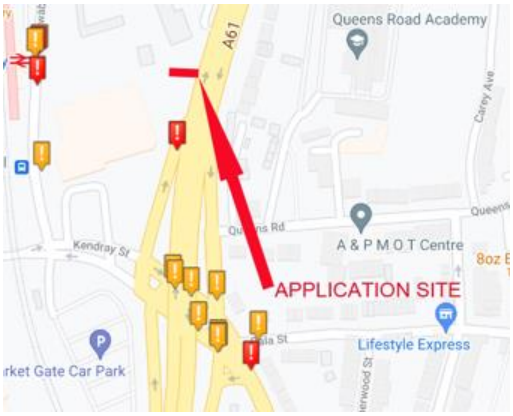
[1] It is appreciated that the majority of users will not join HHR at 40mph but at considerably less speed. However a not insignificant proportion of vehicles will maximise the limit for entry and some will even exceed it.

Google Streetview Imagery September 2020



At night the dual-carriageway nature of the HHR in combination with the lack of speed restricting measures (cameras or similar) and low traffic levels means that users of HHR tend to exceed the speed limit by a significant margin akin to that of the national speed limit as opposed to the 40mph restrictions in place.

The serious collision on Crashmap from 2018 is representative of this situation as it indicates that 2no. vehicles, not just 1no vehicle indicative of a pedestrian incident, occurred at this junction three years ago. The crash map submitted by the agent for the application clearly indicates that the crash was between northbound traffic on the slip road and the location of the proposed digital advertisement. The fact that a 'serious' incident, whereby a serious injury to a road user has been incurred, is indicative of the potential of this junction to cause dangerous incidents. The increase in complexity of the junction through placement of an illuminated sign, above recommended luminance levels, in a prominent location as vehicles join a dual-carriageway may appear innocuous at first but has the potential to distract and cause serious injury to road users. It only takes one driver to be distracted by one advertisement, where there currently are no advertisements, for an incident to occur. The LPA would therefore wish to avoid such a scenario taking place and feel it prudent to exercise an abundance of caution for the sake of public safety.



As can be seen on the map above, the location of the sign allows long distance views to the left hand (nearside) of the highway. Whilst this may be good for advertising purposes, it is detrimental to highway safety as the map clearly presents that drivers need to be focussing on joining traffic on their right and considering their blind spot.

Despite the above, it is difficult to quantify or assess the level of distraction from the sign. The aim of signs 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 are somewhat different to this proposal site. Firstly they replace existing signage established signage, second they were located on single carriageway stretches of road with 30mph limits, and they are not located upon complex junctions. It is unlikely, in these instances that drivers will see more than one image when driving past, so in that respect, it's not too dissimilar to a static poster. Nevertheless 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 dual carriageway on 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

On a separate albeit relevant matter, the Institute of Lighting Professionals guidance PLG5 cites a matrix with which to review the luminance of digital advertisements at night dependent on their location and size. These are as follows:

Table 3: Environmental zones			
Zone	**Surrounding**	**Lighting Environment**	**Examples**
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

The maximum value of luminance anywhere on the surface of an advertisement at any time during the night is given in Table 4. This guide makes no recommendations about the luminance distribution across the advertisement as this is a matter of design and the message that the sign has to convey.

Table 4: Maximum permitted recommended luminance (cdm^{-2})					
Illuminated area (m^2)	**Zone E0**	**Zone E1**	**Zone E2**	**Zone E3**	**Zone E4**
Up to 10	0	100	400	600	600
Over 10	0	n/a	200	300	300

The planning statement dated 28th April 2021 from the agent states the following:

The maximum brightness will always be within the guidelines as set by the Institute of Lighting Professionals (ILP) Technical Note 5

The location of the sign is adjacent to a lit carriageway bypassing Barnsley Town Centre. It would therefore be fair to assume that the site is located in an E4 Urban Zone as set out in the ILP technical note. The sign itself is indicated to have an illuminated area of approximately 18sqm. The application form states that the sign shall have a maximum luminance level of 600cd/m2. It is presumed this value is provided for night time illumination as daytime illumination requires far higher luminance levels. Therefore, taking the indicative 600cd/m2 value submitted to the LPA and cross-referenced with the guidance of the ILP, the sign is clearly in contravention of the guidelines set by the ILP as signs over 10sqm should have a maximum 300cd/m2 luminance level.

It is consequently determined that the proposed advertisement does not comply with policy in that it would adversely undermine highway 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 sign would be placed in front of one of the only pieces of soft landscaping in the area, a TPO'd beech tree. The agent's planning statement is correct in the assertion that the Buzz Bingo building is 'far from architecturally beautiful' however this building does not form the backdrop to the sign for vehicular traffic whereas the tree does. The opinion also expressed within the statement that the western side of HHR has little in the way of positive defining character is also correct. Nevertheless the assessment fails to appreciate that the sign will partially screen one of the few positive elements on that side of the highway. The tree significantly overhangs the shared boundary and pedestrian steps and it would be reasonable to assume that arboricultural surgery to the tree canopy would be required for installation of the advertisement panel and that there could also be the potential for roots to be affected as these often spread further than the canopy below ground. It is appreciated that such works are subject to a separate regime of determination under the Town and Country Planning Act, but no information or application has been received which takes account the advertisement's impact on the adjacent tree and therefore precaution dictates that harm to this biological asset must be avoided. As this application for advertisement consent is the only mechanism currently available to assess the impact on the tree[2], and that no information has been provided by the applicant as to the advertisement's impact upon it, the cumulative factors of screening one of the only positive landscaped elements in the area alongside the potential for harm to the longevity of the protected tree result in a reason for refusal of the application in respect of visual amenity.

The proposal is therefore found to be contrary to LP Policy D1 – High Quality Design and Placemaking.

Residential Amenity

The site is located at a major artery into the town centre and there are limited residential properties within the vicinity of the site that would face toward the advertisement. Given that the application is for an illuminated screen providing a digital display similar to that of a television screen, it is considered that the proposal would not cause any nuisance given that it is located on the strategic highway network subject to street lighting and the headlights of passing vehicles.

As such, it is anticipated that there will be no detrimental effect from the new signage for local residents and it will not be prejudicial to the amenity of surrounding units in line with 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, luminance level and interaction with highway users on and entering Harborough Hill Road. Consequently it is considered that the signage disrupts the safe,

[2] The LPA are not in receipt of a live TPO application.

secure and convenient access and movement of highway users on Harborough Hill Road and it therefore conflicts with Local Plan Policy T4 – New Development and Transport Safety, the SPD Advertisements as well as the Institute of Lighting Professionals 'Professional Lighting Guide 05 – The Brightness of Illuminated 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 location relative to and impact upon a protected tree, this arrangement would further reduce the limited volume of soft landscaping visible along the highway which would be counter-productive to 'placemaking' and injurious to the aesthetic quality of the locality. The proposal is therefore in conflict with Local Plan Policy D1 – High Quality Design and Place Making and the SPD Advertisements.

Recommendation

Refuse