
2024/0712

Wildstone Estates Limited

Land to the south of Unit 1 and 2 Old Mill Lane, Barnsley.

Installation of 1 x 48 sheet digital free-standing LED illumination advertising display panel.

Site Description

The application relates to an area of grass on the west side of Old Mill Lane (A61) and to the south of a commercial unit occupied by Greggs. An electricity substation is located on the southernmost edge of the area of grass with a bin store and customer car park to the west.

The surrounding area is principally commercial and comprises premises of varying scale. ASDA, McDonald's, B&M and the Barnsley Retail Park are located to the south-west, south and south-east with Barnsley Town Centre beyond. ALDI is located opposite with Wickes and a small number of residential dwellings to the north-east. Smaller commercial premises line the western side of Old Mill Lane and continue onto Wakefield Road. Larger residential settlements are located to the east and west beyond the surrounding commercial uses.

There are two existing free-standing digital display advertisements adjacent to the commercial unit occupied by The Salvation Army with a further digital display and a paper display to the front of an MOT centre to the north.



Planning History

The planning history of the application site dates to 1986. However, the most recent and relevant applications are:

1. 2022/0345 – Erection of 2 x 48-sheet digital advertisement posters. (Split Decision – Approval of panel C).
2. 2022/1243 – Installation of a 48-sheet freestanding digital advertisement signboard. – Appeal Allowed.

Proposed Development

The applicant is seeking approval for the installation of a 48-sheet freestanding digital display advertisement that would measure approximately 6.3 metres wide by 5.2 metres high and would sit approximately 2 metres above ground level. The advertisement would show static images that would change at intervals of not less than 10 seconds and would adopt a maximum illuminance level of 300 candelas per square metre at night.



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 that 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 sections include:

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

Paragraphs of specific relevance to this application include:

Paragraph 131 – The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 141 – 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 interests of amenity and public safety, taking account of cumulative impacts.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations").

These regulations provide the legislative framework for the control of advertisements. Regulation 3 states that advertising should be controlled in the interest of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, in addition to any other relevant factors.

Local Plan Allocation – Urban Fabric

The application site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, the following policies are relevant:

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

Supplementary Planning Document: Advertisements

This 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 – No objection subject to the following conditions:

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 – No objection.

Local Ward Councillors – No responses.

Representations

Neighbour notification letters were sent to surrounding properties. A site notice was also placed nearby, expiring 17th September 2024. 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 in the adopted Local Plan.

The Council's Supplementary Planning Document: Advertisements states that 'signs 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.'

In addition to 'amenity' the aim of the system to regulate advertisements also relates to 'public safety' i.e. the impact of the proposal upon the safety of pedestrians and vehicles.

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:

- 2020/0213 – FG Tyres and Garage adj. Town End Roundabout. – Erection of digital advertisement board on gable wall.
- 2020/0857 – Land adj. Wakefield Road, near Smithies Lane. – The erection and display of a freestanding 48 sheet digital LED advertising unit.
- 2020/0877 – 32 Summer Lane – Upgrade of existing 48 sheet advert to support digital poster.
- 2020/1077 – Update of existing 48-sheet advertising display to a 48-sheet digital advertising display.
- 2021/0470 – Land adjacent 1 Grange Lane. – Upgrade of two existing 48 sheet adverts to support digital poster.
- 2021/0496 – Installation of freestanding illuminated 48-sheet D-Poster.
- 2021/0628 – Installation of 1no 48 sheet freestanding digital advertising display unit.
- 2021/1243 – Display of double-sided freestanding 48-sheet sized digital LED advertising unit.
- 2023/0871 – 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).

The main issues highlighted were the effect of the proposed advertisement upon the visual amenity of the area and on public safety as it relates to road users.

While planning applications are assessed on their individual merits, it is felt that there is a clear background in the rise of this type of development which can have similar impacts on their respective surrounding areas. This will be assessed in the following sections.

Visual Amenity

The *Supplementary Planning Document: Advertisements* provides guidance in relation to the type of advertisement that the local planning authority (LPA) 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.

An application (2022/0345) for the erection of 2no. 48-sheet digital advertisement posters was determined by split decision by the LPA with one free-standing digital display advertisement approved and one refused. A further application (2022/1243) for the installation of a 48-sheet freestanding digital advertisement signboard was refused by the LPA but allowed on appeal (APP/R4408/Z/23/3318874).

It is accepted that the surrounding area is predominantly commercial, and that the installation of a free-standing digital display panel would not necessarily be out of keeping with the character of the area, especially in the context of existing free-standing digital and paper display panels and a variety of other signage. However, it is considered that the proposal would contribute to unacceptable cumulative impacts in that the proposal would lead to an oversupply of such panels in a relatively concentrated area and could give rise to a cluttered and aggressively commercial appearance. It is acknowledged that some separation would be maintained between panels and some screening could be provided by the adjacent commercial unit. However, it is not considered that this would act as sufficient mitigation, and the increase of free-standing digital display panels in the area could give undue dominance and prominence to such development in the street scene and detract from the overall quality of the area. The extent of any potential screening would likely be limited to southbound traffic with views of the display panel being much more visible from Old Tannery Road and to northbound traffic along Old Mill Lane.

Development works are ongoing to widen Old Mill Lane to the south of the signalised junction which has involved the removal of trees that has subsequently opened the space and reduced the overall level of screening surrounding the application site. As such, the proposed digital display panel would appear as a prominent feature in the street scene, and although its orientation could provide some mitigation, the height of the display panel would exceed the eaves height of the adjacent commercial unit and would therefore appear as an overtly and visually domineering structure.

The proposal is therefore considered to be contrary to the principles outlined in the *Advertisements SPD* and *Local Plan Policy D1: High Quality Design and Placemaking* and would be unacceptable regarding visual amenity.

Highway and Public Safety

The LPA consulted Highways on the application and the following comments were provided:

“This proposed digital advertisement is located approx. 50m to the south-west of a site which has, in recent times, been granted permission for the erection of two digital advertising display panels. (One being granted permission via an Appeal to the Planning Inspectorate).

This proposed digital advertisement would therefore constitute the third such panel at this signalised junction but, unlike the newly erected panels, would primarily be visible to road users heading north along Old Mill Lane and to those turning left to head south from Old Tannery Road onto Old Mill Lane.

I would consider that my previous comments, as provided in response to the application for the aforementioned panels, are equally appropriate for this proposal and would therefore reiterate that this proposed new digital advertisement is to be located close to a busy signalised junction immediately adjacent the public highway. Despite the location, the panel is not in a position that would likely be unduly distracting to drivers as they negotiate this section of the public highway nor is it in a position that would lead to confusion when it comes to drivers being able to capably observe the numerous traffic signals around the junction. Taking into consideration the position of the display along with the various other signage within the immediate vicinity and the direction of movement of vehicular traffic, I am of the view that the proposals would not be of sufficient detriment to highway safety to warrant refusal on highway grounds, subject to suitable planning conditions.”

The LPA has no reason to disagree with the above comments and does not raise any significant concerns of its own in relation to highway and public safety.

The proposal is therefore considered to comply with *Local Plan Policy T4: New Development and Transport Safety* and would be acceptable regarding highway safety.

Residential Amenity

The proposed digital display panel would be installed to the south of existing commercial units with the nearest residential properties located approximately 185 metres to the north-east. The proposal would therefore not be prejudicial to the amenity of local residents.

The proposal is therefore considered to comply with *Local Plan Policy GD1: General Development* and *Local Plan Policy POLL1: Pollution Control and Protection* and would be acceptable regarding residential amenity.

Conclusion

In conclusion, the proposed digital display advertisement is considered contrary to the principles of *Supplementary Planning Document: Advertisements*, the policies of the adopted Local Plan and the NPPF.

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, and would result in the oversupply of digital display advertisements in a concentrated area leading to the over-commercialisation and dominance of the locality. The proposal is therefore considered to conflict with Local Plan Policy D1: High Quality Design and Place Making, the Supplementary Planning Document: Advertisements and the National Planning Policy Framework.

**Recommendation –
Refuse**