

Applicant: Mr Paul Hardy

Description: 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

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

Site Location & Description

The application relates to a former public house which currently trades as Barnsley Plumbing Centre. The building sits to the North of the signalised junction between Rotherham Road to the West, Pontefract Road to the East and Grange Lane to the South. The building sits relatively centrally within the plot with parking areas to the East, South and West. The road bounds the Southern boundary with green space and trees immediately adjacent to the remaining boundaries.

Priory Campus sits beyond the Northern boundary of the site and there are residential properties to the South West off Pontefract Road and Grange Lane. To the South East of the site are a mix of residential properties and small commercial businesses.

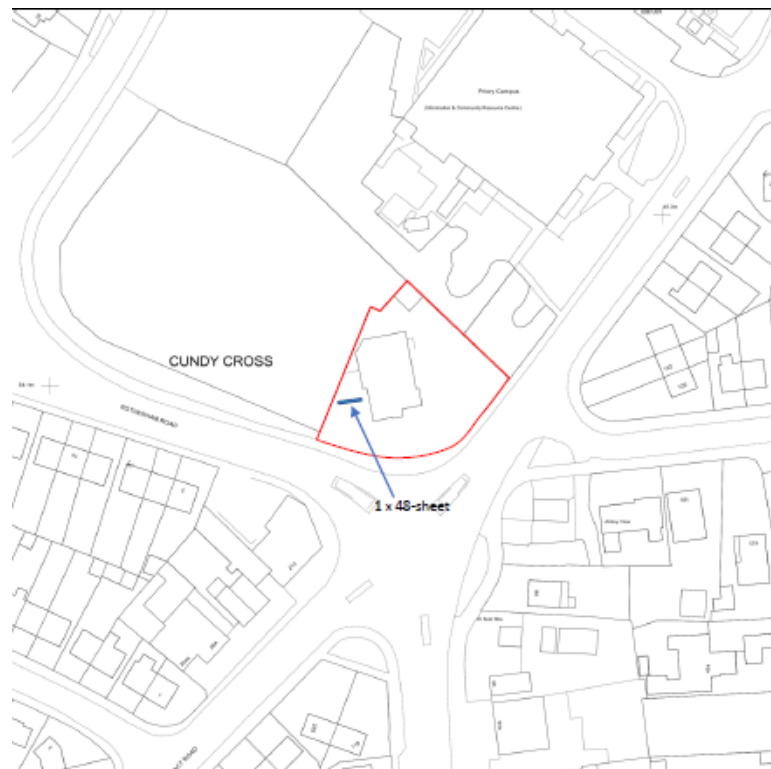
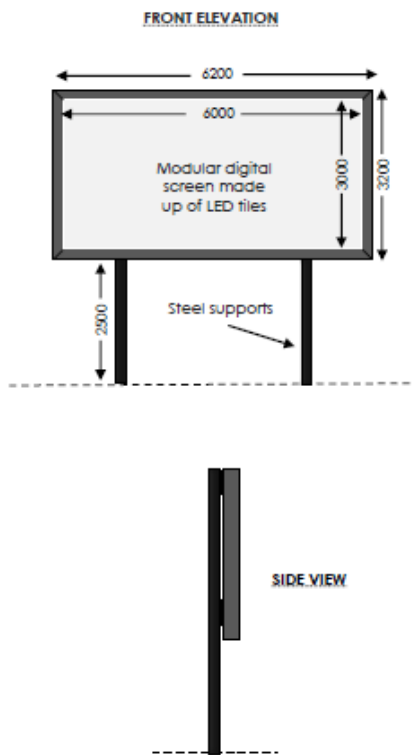
Proposed Development

The Applicant seeks advertisement consent to erect 1 x 48 sheet freestanding LED illuminated advertising display panel, measuring 6200mm wide x 3200mm high, sitting approximately 2.5m above ground level. The panel would sit to the West of the building as shown below.

The proposed display panel would be presented in landscape format, and comprise of a pressed metal frame in which the sealed LED 'tiles' are mounted. The tiles contain diodes which emit light to create an image. The images would change once every 10 seconds in a sequential manner, and be of a static nature.

It should also be noted that an application for a 48 sheet freestanding LED illuminated advertising display panel has also been submitted for the opposite side of the car park in the same site under application 2023/0871.





Policy Context

The Site is allocated as Urban Fabric and within the Dearne Valley Green Heart in the Local Plan; therefore, the following policies are relevant:

Policy T4 New development and Transport Safety

Policy GD1 General Development

Policy GI1 Green Infrastructure

Policy D1 High Quality Design and Place Making

Policy Poll1 Pollution Control and Protection

SPD's

Advertisements

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality 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.

Para 136 - advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts.

Other

The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the "Regulations"). 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.

Consultations

Highways – Object and recommend refusal

Ward Councillors – No comments

Representations

None

Assessment

Principle of Development

The Council's SPD on advertisements states that 'signs should be limited to that which is necessary. Advertisements should 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 will usually 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.

Similar 48 sheet illuminated screens, with static digital imagery, were recently refused and dismissed at appeal in similarly prominent locations within Barnsley including Town End Roundabout, Wakefield Road, Racecommon Road, Lower Castlereagh Street, West Way and Grange Lane (application references: 2020/0213, 2020/0857, 2020/1077, 2021/0496, 2021/1243 & 2021/0470 and Appeal references APP/R4408/Z/20/3252789, APP/R4408/Z/20/32608, APP/R4408/Z/21/3266463, APP/R4408/Z/21/3275304, APP/R4408/Z/21/3287587 & APP/R4408/Z/21/3278 respectively). The main issues highlighted were the effect of the proposed advert on the visual amenity of the area and on public safety as it relates to road users.

Amenity

The proposed advert would, given the illumination and changing images, be visually prominent, especially during the hours of darkness and when viewed against the surrounding area which has limited illuminated signage. It is also noted that, despite commercial premises being located within the immediate area with associated adverts/signs, they are modest in scale, predominantly non-digital with limited illumination and mainly advertise the use or products of the buildings/premises which they are sited on/adjacent to, whereas, the advertisement campaigns on the proposed signs are unlikely to reference the immediate area, contrary to the SPD. There is also signage on the

building on the site itself advertising the business, as such, the addition of this panel would lead to over proliferation on the site.

The immediate area is generally free from clutter and/or overly commercial advertisements and external lighting is mainly from streetlighting and modest illuminated signs. The proposed signage would be in a visually prominent location and given its overall 5.7m height and 6.2m width, would dominate the streetscene, especially travelling North on Grange Lane towards the signalised junction. Its size would also far exceed the size of, and be in stark contrast to, any signage or advertisements within the immediate area, to the detriment of visual amenity and contrary to Local Plan Policy D1 and SPD 'Signage'.

The illuminated, frequently changing commercial images displayed on the proposal would be incongruous when seen against the verdant backdrop of the relatively minimally lit space beyond, which includes an area of wooded green space.

Whilst the level of illumination could be controlled, due to its position, size and changing displays, even low luminance settings would give the proposal an over-stated commercial connotation and would be out of keeping with its immediate backdrop and particularly evident during the hours of darkness.

In summary, the introduction of this digital display would have a harmful effect on amenity, contrary to Policy D1 of the Barnsley Local Plan (LP) (adopted 2019) and the Supplementary Planning Document 'Advertisements' (SPD)(adopted 2019) which together seek to ensure that advertisements are sensitively located in the streetscene and avoid an aggressively commercial appearance which can have a damaging impact on the visual character of an area. There is also conflict with paragraph 136 of the National Planning Policy Framework (the Framework) which states that the quality and character of places can suffer when advertisements are poorly sited and designed. The LP policies have been considered to the extent permitted by the Framework which limits assessment of advertisements to visual amenity and public safety.

Public Safety

It is proposed to install a digital advertisement display panel within the car park of Barnsley Plumbing Centre adjacent to the A633 Rotherham Road on the northern side of the busy Cundy Cross signalised junction. In terms of vehicular traffic, the illuminated display would primarily be visible to motorists heading north-west along Rotherham Road and also to a significant extent those heading north-east along the A628 Pontefract Road.

For vehicles traveling along A633 from the south, the site of the display gradually comes into view from a distance of approx. 130m away and is therefore visible directly from the signalised junction on this approach. Given that the junction is signalised there is a possible impact in terms of drivers being required to differentiate between the light emitted from the digital display and that of the signals at the junction.

In terms of drivers heading north-east along the A628 Pontefract Road, the display panel would be eminently visible but would be positioned within the left side of a drivers peripheral vision. By its very nature an advertisement panel is designed to attract attention and this would therefore result in a drivers vision being drawn to the left towards the display rather than being retained within the direction of travel. Vehicles waiting at, or approaching, the signals on the A633 to the South could also be distracted watching the display rather than paying attention to the signals themselves.

Additionally, the proposed display would have changing images (every 10 seconds) which makes it even more likely to draw attention than if it were a fixed image. As such, it is considered this to be a significant impairment to a drivers ability to safely negotiate the busy signalised junction, to the detriment of highway safety.

Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention but those located at points where drivers need to take more care are more likely to affect public safety. Such locations include junctions, roundabouts and pedestrian crossings. It further advises

that the main types of advertisement which may cause danger to road users are those which are illuminated, which could be mistaken for, or confused with, traffic lights and those which are subject to frequent changes of display.

In view of all of the above, the proposals are considered unacceptable from a highways development control perspective as they are viewed as being prejudicial to highway safety, contrary to Local Plan Policy T4 New development and Transport Safety.

Conclusion

Given the comments above, it is concluded that refusal shall be issued on amenity grounds.

Recommendation

Refuse

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, illumination and undue prominence. Whilst the level of illumination could be controlled, due to its position, size and changing displays, even low luminance settings would give the proposal an over-stated commercial connotation and would be out of keeping with its immediate backdrop and particularly evident during the hours of darkness. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area, contrary to the SPD and Local Plan Policy D1. There is also conflict with paragraph 136 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

In the opinion of the Local Planning Authority, the proposed advertisement would adversely undermine highway safety due to its location facing towards the highly trafficked Cundy Cross signalised junction and its design characteristics including its large size and its ability to accommodate changing illuminated digital displays, which would create an undue distraction to highway users. As such the proposal conflicts with Local Plan Policy T4 - New Development and Transport Safety and the Council's Advertisements SPD.