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## Appeal Decision

Site visit made on 28 July 2020 by C McDonagh BA (Hons) MA MRPTI

**by Kenneth Stone BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 August 2020**

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**Appeal Ref: APP/R4408/Z/20/3252789**

**FG Tyres and Garage, Race Street, Barnsley S70 1BY**

- 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 Mr Graeme Hughes of Alight Media Ltd against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2020/0213, dated 24 February 2020, was refused by notice dated 21 April 2020.
  - The advertisement proposed is the installation of 1 x 48 sheet gable mounted digital advertising display unit.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matter

3. The Council has drawn my attention to Policies D1 and T4 of the Barnsley Local Plan (LP) and the Advertisement Supplementary Planning Document (SPD) which it considers to be relevant to this appeal. I have taken these into account where relevant; however, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

### Main Issues

4. The main issues are (1) the effect of the proposed advert on the visual amenity of the area, and (2) on public safety as it relates to road users.

## Reasons

### *Visual amenity*

5. The appeal site comprises the gable wall of a garage occupying an industrial unit. The local area is commercial in nature and the advert would be designed to face a busy roundabout which links several arterial roads into and out of the city centre and towards the M1 motorway. The proposed unit is of 48-sheet size and is internally illuminated. It would display static digital imagery, although these are capable of being changed every 10 seconds.
6. The advert would be located in a prominent position, highly visible from the surrounding area to both road users and pedestrians. The appellant does not disagree the unit is large. I appreciate these types of advertisements are commonplace in many streetscapes in the UK, such as those the appellant has drawn my attention to. However, I noted on the site visit the efforts made to add green, open spaces where possible around the roundabout, which has created a pleasant environment despite its busy commercial setting and the advert would dominate the surrounding area. While there are numerous other adverts in the area, these are smaller in scale and/or not illuminated. They are also generally related to the use of the premises on which they are sited.
7. I appreciate the display may fall within best practice guidance for brightness and transitions are instant. However, the digital illumination would result in a visually incongruous feature that would stand out from the other, more modest, advertisements in the area and dominate the street scene; such as the banners promoting the garage on the same building. 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. This would be irrespective of its location upon an architecturally insignificant building, outside a Conservation Area or not close to Listed Buildings. Moreover, while there are two existing vinyl banners on the side of the building advertising the garage business, these are much smaller in scale and spaced appropriately so as not to appear out of scale against the side of the building.
8. The appellant has proposed conditions to ensure any displayed advertisements would not include moving visual effects and to control the level of illumination. However, due to the above reasons above they would not be sufficient to mitigate the harm I have identified. A further concern about precedence is raised by the Council. However, each application and appeal must be considered on its own merits.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy D1 of the LP and the advice within the SPD seek to ensure advertisements are sensitively located within the street scene and should make a positive contribution to achieving qualities of a successful place such as character. As such these are considered material considerations insofar as they are relevant to visual amenity.
10. In conclusion the proposal would harm the visual amenity of the area and would not accord with Policy D1 or the SPD.

### *Public safety*

11. I observed during my site visit the roundabout and roads approaching it adjacent to the proposed advertising unit were heavily trafficked. I note this is not disputed by the appellant. I also witnessed a steady flow of pedestrians visiting supermarkets, restaurants and other commercial premises in the area.
12. The Planning Practice Guidance states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care are more likely to affect public safety. Furthermore, it 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 subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.
13. While I have already acknowledged these types of advert unit are common in the UK and the presence of other, smaller and non-illuminated advertisements in the area, the proposed unit would be a dominant feature when approaching the roundabout. I also noted four of the roads joining the roundabout have signal controlled pedestrian crossings. Given the intermittent changing of the advert display, albeit with little transition time, this has the potential to distract motorists and create visual confusion against this backdrop, posing a risk to pedestrians and road users as they approach this busy section of road.
14. Submitted data from the appellant shows there have been 29 reported road traffic collisions in the area, on the roundabout and approaching roads, from the period 2015-2019. This figure is asserted to be low in number. However, while the appellant claims there have been only 2 'slight' incidents in terms of severity, the information provided identifies two 'serious' incidents. The number of 'slight' incidents appears much higher, although I have no information as to what constitutes 'slight' or 'serous' incidents. Regardless, this does not mean it is safe, and indeed demonstrates that a number of incidents have occurred at the junction in a relatively short period of time. I remain concerned that the possible distraction of the advertisement for motorists approaching the roundabout would increase the number of incidents in general.
15. It is suggested that the illuminance can be controlled automatically to react to the time of year and day, and that conditions can be agreed to ensure this level remains within accepted guidelines. Nonetheless, unlike the existing advertisements for the garage, which are much smaller, the proposed unit would be subject to changing displays. This would increase the visual interaction and prominence of the display and draw the eye of drivers in a situation where due highway observation and care is necessary.
16. My attention is drawn to similar advertising units via photographs and officer reports. Evidently these are located near more heavily trafficked roads than that of the appeal site. However, these were determined by another local authority in different locations, with their own site-specific circumstances. As such, while they may be of the same size and near busy roads, they are not directly comparable to the proposal before me. Regardless, I am required to form my own judgement and despite the existence of similar units in other locations it does not follow that, due to the harm I have identified, this appeal should be allowed.

17. For the above reasons, I conclude that the proposed advertisement would be harmful to public safety as it relates to highway safety and pedestrians. Whilst I have had regard to the suggested standard and non-standard conditions, these would not overcome the harm I have identified.
18. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. The Council refers to policy T4 of the LP. This expects new development to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. Given that I have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with this policy.

### **Other Matters**

19. I appreciate the advertisement changing may bring some environmental benefits, and the appellant has drawn my attention to the benefits of the use of digital technology to display static illuminated advert images on site. They assert, when compared to traditional billboards, painted signs and banners, these offer many practical and sustainable benefits: reduced energy consumption; easy recycling of component parts; and a vastly reduced number of maintenance visits to site. They also suggest the introduction of digital displays represents a sustainable display methodology that is greener and cleaner than the traditional methods of advertising which are now becoming outdated through factors such as the reduction in paper to use on hoardings. However, these matters would not outweigh the harms that I have identified. Moreover, the Regulations require that I exercise my powers only with regard to Amenity and Public Safety albeit these benefits may be proffered as other relevant factors.

### **Overall Conclusion and Recommendation**

20. I conclude that the display of the advertisement would be detrimental to the interests of amenity and public safety. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*C McDonagh*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Kenneth Stone*

INSPECTOR