



Appeal Decision

Site Visit made on 26 July 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2021

Appeal Ref: APP/R4408/Z/21/3275304

M C Mills & Co Ltd, Lower Castlereagh Street, Barnsley S70 1AR

- 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 Ben Porte of Clear Channel against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0496, dated 6 April 2021, was refused by notice dated 14 May 2021.
 - The advertisement proposed is described on the application form as the 'installation of freestanding illuminated 48-sheet D-Poster
 - Display area of 6m by 3m
 - Will display static images at 10 second intervals
 - Illuminated to levels recommended by Institute of Lighting Professionals PLG05'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). Since the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal and as such their cases would not be prejudiced, I have not consulted the main parties on the revised Framework. I have referred to the 2021 iteration of the Framework in my findings.
3. The Council have referenced a number of policies within the Barnsley Local Plan 2019 (LP) and the Supplementary Planning Document (SPD) on Advertisements. I have taken these into account insofar as they are material. However, in accordance with the Regulations¹, and the Planning Practice Guidance (PPG), I have considered solely matters of amenity and public safety.

Main Issues

4. The main issues are the effect of the proposed advertisement on the amenity of the area and public safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons

Amenity

5. The appeal site is a triangular piece of land situated adjacent to a large brick building located between Lower Castlereagh Street and Wortley Street and to the north-east side of West Way. The latter is a busy dual carriageway which is part of the A628 linking to Barnsley town centre and the M1. The surrounding area is predominantly commercial in character and includes a supermarket on the south-west side of West Way. There are numerous trees along this side of West Way in the vicinity of the site which act as a green buffer between the dual carriageway and the town centre.
6. The proposed advertisement would be a freestanding internally illuminated 48-sheet poster which would display static images that would be capable of changing every ten seconds. It would be positioned at an angle relative to the adjacent building so that it would face towards West Way.
7. Due to its size and elevated position, the proposal would be a highly prominent feature when viewed from West Way and from the footways on both sides of that road. The use of the LED display with images changing at regular intervals would be eye catching, particularly during the hours of darkness. The proposed illumination would be incongruous when viewed in the gap between the trees and would reduce the effectiveness of the trees to act as a green buffer between the dual carriageway and the town centre.
8. The side elevation of the building adjacent to the site currently has a letting board at upper level, however, this is non-illuminated and small in comparison to the appeal proposal. I also note that there are a number of advertisements in the surrounding area, including supermarket signs, fascia signs, totem signs and banners. However, these generally relate to the use of the premises on which they are sited. There are also road signs but these are smaller in size than the proposal. The proposal would therefore stand out from other advertisements in the area and would be a discordant feature in the street scene. There are streetlights along both sides of West Way which suggests that the area is well-lit at night. However, the proposed display would be of a different nature to existing illumination in the surrounding area.
9. I have considered the appellant's suggested conditions, including controls on the maximum luminance of the sign and frequency and nature of changes between adverts. However, these would not sufficiently mitigate the harm that I have identified. Switching off the illumination between 12 midnight and 5am means that the proposal would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
10. I conclude that the proposed advertisement would be harmful to the visual amenity of the area, contrary to the Regulations. The proposal would also be contrary to Policy D1 of the LP and the SPD, which, amongst other things, seek high quality design, and paragraph 136 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

11. The proposed advertisement would attract the attention of drivers on the north-west bound side of West Way which is subject to a 40mph speed limit. The site is within relative close proximity of the junction with Wellington Street together with a signalised pedestrian crossing to the south-east, which provides a pedestrian link between the town centre and areas to the south, including the nearby supermarket. During my site visit I observed a steady flow of pedestrians using the crossing. Whilst only a snapshot in time, this indicates that the crossing is generally well used.
12. The 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.
13. The proposed display would be located on the opposite side of the carriageway for drivers travelling north west, which would create a particular distraction. Whilst the individual images would be static, the regular change over approximately every 10 seconds would nevertheless have the potential to distract the attention of drivers. This would potentially cause confusion for drivers at a point close to the traffic light signals and the pedestrian crossing, where greater concentration on the road is necessary.
14. The appellant has provided information from the local accident record for the most recently available five-year period drawing on data from Crashmap and the Department for Transport. The appellant states that the data reveals little or no incidents occurring in the immediate vicinity of the site. However, the nearest recorded incident was a fatality at the pedestrian crossing in 2016, which is relatively close to the appeal site. To my mind, the evidence provided does not demonstrate that the highway network in the vicinity of the site is free of incident. Given its prominent siting, I consider that a large illuminated advertisement would have the potential to adversely affect vehicle and pedestrian safety along this stretch of the highway.
15. For these reasons I conclude that the proposed advertisement would be detrimental to public safety. It would therefore be contrary to Policy T4 of the LP and the SPD, which seek to ensure that all proposals provide transport users with safe, secure and convenient access and movement.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR