

---

**2022/1243**

Applicant: Wildstone Estate Limited

Installation of a 48-sheet freestanding digital advertisement signboard

The Time and Place, Old Mill Lane, Barnsley, S71 1LL

---

**Site Description**

The application site is in relation to a piece of grass in front of the Salvation Army building (check\*), just off Old Mill Lane to the North of Barnsley Town Centre. The site previously contained 2 x externally-illuminated poster boards directly next to each other but these were removed in September 2021. The surrounding area is primarily comprised of retail and other commercial uses with several smaller units to the Western side of this section of Old Mill Lane and an Aldi supermarket directly adjacent – to the East. Peel Street retail park is in close proximity (c. 400m to the South-East) with the ASDA supermarket and McDonalds restaurant to the South-West and South, respectively. There are some examples of illuminated signage in the nearby area given the largely commercial and retail uses.

The site has approval for the erection a digital advertisement facing South-East following a split decision (2022/0345) in 2022. At the time of writing (January 2023), the panel has not been installed on site.

*Site photographs (January 2023)*



2022/0345 – Proposed Site Plan (Split decision with panel 'C' being approved, and panel 'D' being refused):



### **Planning History**

B/90/1445/BA – Erection of non-food retail development, garden centre, drive through restaurant and petrol filling station (Historic)

B/93/0389/BA – Formation of car park to public house (Historic)

B/95/1430/BA/AD – Display of illuminated signs to public house (Historic)

B/00/0990/BA – Erection of two retail units (Historic)

2022/0345 – Erection of 2 x 48-sheet digital advertisement posters (Split Decision – Approval with conditions of Panel C and refusal of panel D)

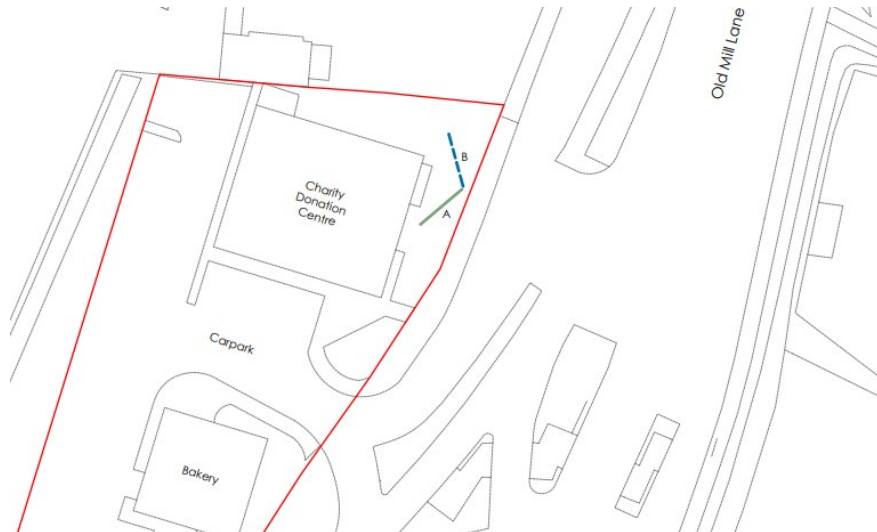
### **Proposed Development**

The application follows on from application ref. 2022/0345 which proposed the erection and installation of two freestanding 48-sheet digital advertisements in a V-shape, with one panel facing South-East and the other facing North-East – onto Old Mill Lane. A split decision was granted to allow for the erection of panel C (facing South-East) and a refusal was given for the erection of Panel D (facing North-East).

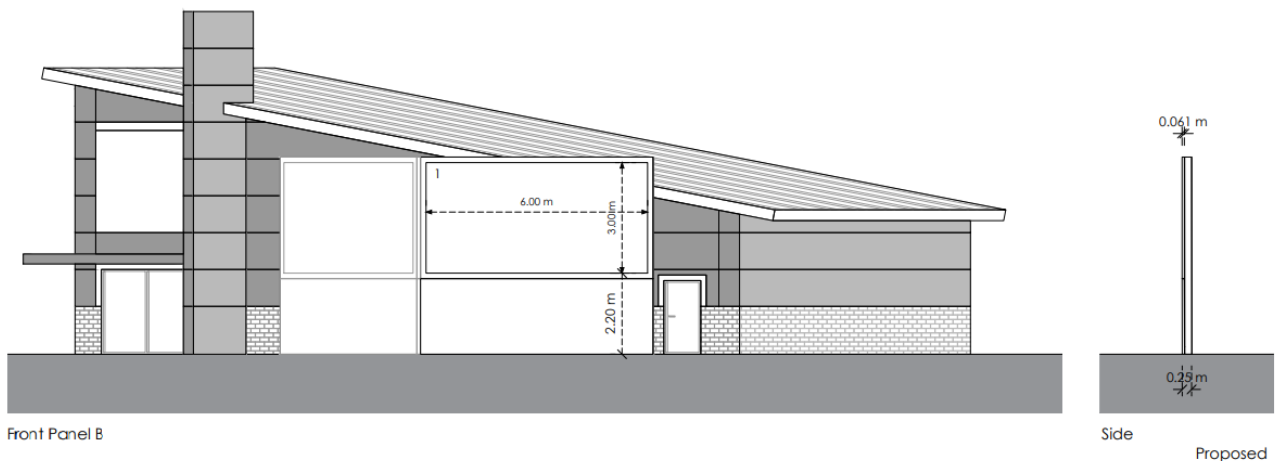
The application is now effectively seeking approval for the erection of the North-East facing panel – which is now identified as panel B on the Proposed Site Plan (Dwg. no. 011-0401-6421/PA/04). The screen will measure 6m x 3m, situated 2.2m above ground floor level with a depth of 0.25m

### Proposed Site Plan

Proposed



Elevations:



## Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the adopted Local Plan and Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Documents, which are other material considerations.

## Local Plan

The Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development

and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

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.

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.

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.

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 or to people.

### SPD's

Advertisements

### 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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to support renewable and low carbon energy and associated infrastructure.

The National Grid published its latest Future Energy Scenarios report in July 2020. The document identifies the changes to the UK energy infrastructure and consumer behaviour that would be required in order to achieve the UK's 2050 decarbonisation target under four scenarios. All scenarios identify that there will be a high flexibility requirement to be supported by an increase in installed electricity storage capacity. The fastest route to carbon neutrality, the Leading the Way scenario, requiring 40,000MW of installed electricity storage by 2050; around 8 times more than the current installed levels.

### **Consultations**

*Highways* – This proposed digital advertisement is one of two panels that were proposed as part of App. No. 2022/0345 which saw one panel being approved and the other (this panel) being refused on grounds of amenity. The previous comments made during 2022/0345 are reiterated given 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. Should permission be granted, the same conditions as per 2022/0345 should be attached to the decision notice.

*Ward Councillors – No comments*

## **Representations**

Neighbour notification letters were sent to neighbouring properties and a site notice was placed nearby; no comments were received.

## **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 changed every 10 seconds, have recently been refused by BMBC and dismissed at appeal in similarly prominent locations within and around Barnsley Town Centre. The refused application at West Way is considered to be very similar to the application site the sense that it is Town Centre location, located on a highly visible elevation, just off a main road very near to the Town Centre. The application numbers are:

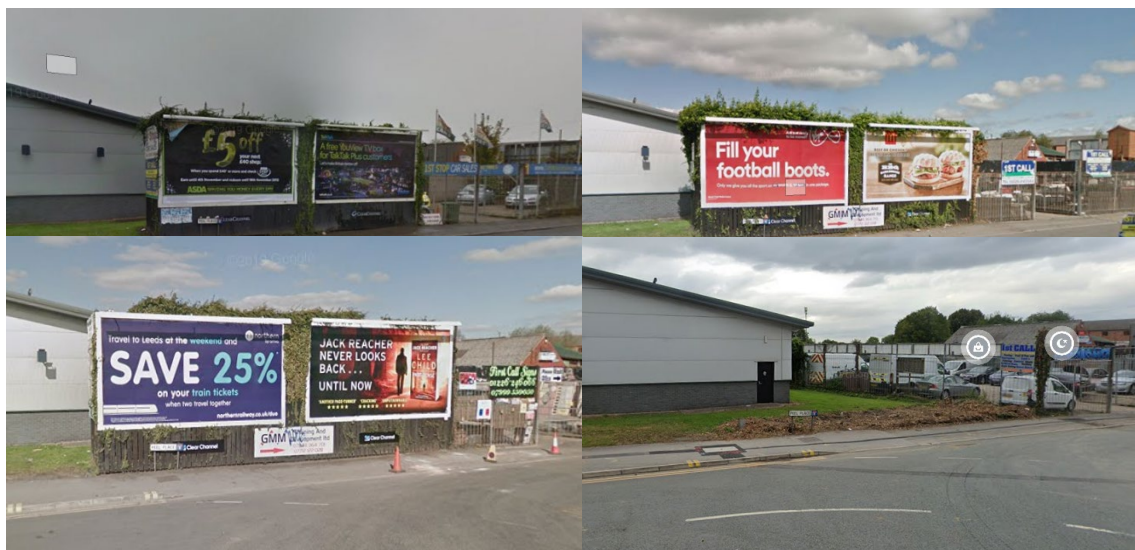
2020/0213, 2020/1077, 2021/0496 and 2021/1243 with the appeal references numbers:  
APP/R4408/Z/20/3252789, APP/R4408/Z/21/3266463, APP/R4408/Z/21/3275304,  
APP/R4408/Z/21/3287587 and APP/R4408/Z/22/3300758.

Whilst planning applications are assessed on their own individual merits, it is felt that there is a clear background in the rise of this sort of application which have similar impacts on their respective surrounding areas, which will be assessed in the following sections.

Additionally, the application is effectively a resubmission of 2022/0345 as it seeks approval for the erection of the previously refused digital advertisement

### Visual Amenity

The site has history of containing advertisement boards which can be clearly seen on the Street View Images – see screenshots below (2012, 2016, 2019 and September 2021):



As shown above, it is appreciated that the site has clearly been utilised for an advertising/signage in the past but the previous advertising boards have now been removed which in the opinion of the Local Planning Authority improves the visuality and appearance of the area as it reduces advertisement clutter. Additionally, The Local Planning Authority takes the stance that given the boards have now been taken down, permission would be required to reintroduce the boards to the site. As such, the council during the previous application stage (2022/0345) assessed the digital advertisements for what they were – which is the erection of 2 new free-standing digital advertisements, rather than replacement boards. The application form during 2022/0345 submitted indicated that the development was for an upgrade to the previous non-digital poster boards, but again since these have been removed, this is not considered accurate and a change to description was suggested and agreed by the agent. The proposed scheme is effectively to erect the second digital advertisement which was subsequently refused through the split decision of 2022/0345.

The Planning Practice Guidance (PPG) for advertisements states that, in assessing amenity, consideration should be given to the local characteristics of the neighbourhood. It further advises that, whilst a large poster-hoarding would be refused where it would dominate a group of listed buildings, it would be permitted in a commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site. The Council's SPD for Advertisement goes on to state that *'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 amenity of the area'*.

In line with the SPD guidance outlined above, the Local Planning Authority raised concerns with the erection of two digital advertisement boards during the previous application stage in relation to the increasing presence of advertisements in this area which would lead to a cluttered and aggressively commercial appearance.

The site is located just off Old Mill Lane, on one of the main arteries connecting the North of the Borough to the surrounding retail area/site and then into Barnsley Town Centre. It is fairly open with largely unobscured views from the North and South into the site. The individual design of the advertisements is not considered to be excessive or inappropriate, and it is acknowledged that it is located in a commercial area with other advertisements/signage nearby. However, when assessed against the SPD, one of the key considerations is whether there is an over provision of signs/advertisements which can give rise to a cluttered and/or aggressively commercial appearance. This in turn, can have a damaging impact upon the visual character of an area. Digital advertisements, by their very nature, are intended to attract attention and are very noticeable within the street scene. In the opinion of the Local Planning Authority, they are more noticeable than the poster boards which were previously on the site. Ultimately, it is felt that the provision of two advertisements in the area is considered to result in advertisement clutter and change the character of the area, which has been improved by the removal of the previous poster boards. The introduction of both advertisements (given that panel A has now been approved through 2022/0345) is felt to have even more of a damaging impact on the visual amenity of the area than the previous poster boards had, rather than having a neutral impact. The introduction of one digital advertisement was considered to be a good compromise and would not appear overly excessive or prominent within this position.

The potential harm is accentuated by the fact there is a separate digital advertisement board c.50m to the North – see photograph below:



On balance therefore, it is felt that the individual design of the digital advertisement is not considered to be unacceptable and for clarity, was not deemed unacceptable during the previous application stage. However, similar to the assessment of 2022/0345, the introduction of two digital advertisement boards in this position is considered to result in a cluttered commercial environment and over provision of advertisements. As such, the proposed development is contrary to Local Plan Policy D1 and the SPD for Advertisements and has a detrimental impact on the visual amenity of the area, which in the opinion of the LPA, has been improved since the removal of the previous advertisement boards. The proposed advertisement consent is therefore considered to be unacceptable in terms of its impact on visual amenity and design of the area.

#### Public safety

The application is effectively a resubmission of application ref. 2022/0345 and colleagues in Highways have been consulted on the proposal and provided the following comments, which were more or less a duplicate of the previous comments received during the previous application stage:

*'The proposed new digital advertisements are to be located close to a busy signalised junction immediately adjacent the public highway. Despite the location, the posters are not in a position that would likely be unduly distracting to drivers as they negotiate this section of the public highway nor are they 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 displays 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 detriment to highway safety. Subject to a suitably worded condition controlling the maximum luminance of the posters to 300cd/m<sup>2</sup>, the proposals are considered acceptable from a highways perspective.'*

The Local Planning Authority has no reason to disagree with the above comments from highways and do not raise any significant concern with public safety and the proposal is considered to be acceptable in terms of public safety.

#### **Recommendation**

#### **Refuse**