

# Appeal Decision

Site visit made on 16 September 2016

**by Alison Roland BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 04 October 2016**

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**Appeal Ref: APP/J4423/Z/16/3149268**

**Ponds Forge, Sheaf Street, Sheffield, S1 2PZ.**

- 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 Kong Industries Limited against the decision of Sheffield City Council.
  - The application Ref: 16/00112/HOARD, dated 13 January 2016, was refused by notice dated 24 March 2016.
  - The advertisement proposed is freestanding portrait LED advertising display unit.
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## Decision

1. The appeal is allowed and express consent is granted for the display of one freestanding portrait LED advertising display unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  1. The display hereby approved shall not display any moving (or apparently moving), or intermittent images or text, animation, flashing or scrolling images, video or audio. Any sequential advertisements shall not change more than once every 10 seconds. Transitions between images shall be not less than one second.
  2. The display hereby approved shall be fitted with a mechanism that ensures the screen defaults to a blank screen in the event that the unit malfunctions. The mechanism shall be installed prior to first operation of the digital screen and thereafter shall be retained, operated and maintained in accordance with the manufacturer's instructions.
  3. The intensity of the illumination of the display hereby approved shall not be greater than 300 candelas per square metre.

## Main Issue

2. The main issue in this appeal is the effect of the proposed advertisement on the character and appearance of the surrounding area.

## Reasons

3. The proposed unit would be sited in front of and to one side of the Ponds Forge International Sports Centre; a modern building of considerable local renown by virtue of its commanding scale and design. To the South, beyond Pond Hill Road,
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are a series of strikingly modern buildings of commanding scale and further construction activity was taking place in that vicinity at my visit. Across the wide carriageway of Sheaf Street to the East stands the high retaining wall to a rail line, beyond which are a series of older high rise flats.

4. The fact the proposed display would be free standing and illuminated would tend to draw the eye, especially at night. However, there are several factors that lead me to believe that it would not look out of place in this location. Firstly, the scale of the surrounding buildings, not least the Sports Centre building itself against which the display would be viewed, mean that the site context is able to accommodate a hoarding of this scale and height.
5. Secondly, it would principally be viewed by motorists advancing in a northerly direction towards Park Square roundabout. This approach is set in a strongly urban context along a wide carriageway with numerous urban and street scene items of paraphernalia, including tall lighting columns, traffic signals, highway signage and an overhead pedestrian footbridge across Sheaf Street. In this context, the display would not look out of place. Thirdly, this particular gable elevation of the Sports Centre is somewhat plain in appearance and the proposed display would add visual interest at this point and enliven the approach to the roundabout. This is particularly the case as the western side of Sheaf Street is marked by buildings of uncompromisingly modern design and the proposed display would complement that setting. It would also utilise the existing steel support uprights which stand on site and appear somewhat ungainly at present.
6. Whilst the Council refer to the relative straightness of Sheaf Street, in reality it approaches the roundabout on a gentle curve, such that whilst the proposed display would be visible for some distance, it would not dominate that approach.
7. In coming to this view, I consider the other examples of display units in the vicinity cited by the appellant, are quite different to that before me and have determined the appeal on its merits.
8. Overall on the main issue, I conclude that the proposed display would integrate comfortably with the prevailing character and appearance of the area. I therefore find no conflict with Policy BE13 of the Sheffield Unitary Development Plan (March 1998) or the guidance in the National Planning Policy Framework, which seek to ensure that advertisement displays do not harm the character or appearance of the area. These policies and guidance cannot be decisive as the Regulations require that decisions are only made in the interests of amenity and public safety. Nonetheless, I have taken them into account.
9. The parties were canvassed in relation to suggested conditions as none had initially been supplied by the Council. I consider that conditions dealing with the degree of illumination of the unit, the nature of the images displayed thereon, together with a mechanism to ensure the screen defaults to a blank screen in the event of malfunction, are all necessary to ensure that drivers are not distracted by the display in the interests of road safety. The reference to images not resembling traffic signals or road signs is ambiguous and I shall therefore omit it.

*ALISON ROLAND*

INSPECTOR