

Appeal Decision

Site visit made on 16 January 2017

by P Eggleton Bsc(Hons) MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/X3025/Z/16/3159227

Land at Stockwell Gate, Mansfield, Nottinghamshire NG18 5QJ

- 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 Insite Poster Properties Ltd against the decision of Mansfield District Council.
 - The application Ref 2016/0322/ST, dated 7 June 2016, was refused by notice dated 27 July 2016.
 - The advertisement proposed is the replacement of existing single sided 96 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit.
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Decision

1. The appeal is allowed and express consent for the replacement of the existing single sided 96 sheet advertising unit with a single new internally-illuminated digital LED 48 sheet advertising unit as applied for is granted. 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 advertisement hereby approved shall operate at an illumination level no greater than 300 cd/m².
 - 2) The advertisement hereby approved shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change. There shall be no visual effects between successive images and the display shall include a mechanism to freeze the screen in the event of a malfunction. Each image shall be displayed for at least 10 seconds. Message sequencing or interactive messages shall not be used.

Main Issue

2. The main issue is the effect of the advertisement on public safety.

Reasons

3. The proposal would replace a 12m by 3m poster display board with a smaller, 6m by 3m, LED display. The existing display board is one of four poster displays which bound the back of this open area of land adjacent to the junction. The Council have not raised concerns with regard to the appearance of the replacement display. I consider that it would improve the appearance of the area given the reduced size of the unit. The Council's concern relates only to highway safety.
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4. The evidence of the Council is limited to the comments made by the Highway Authority. They indicate that as the traffic movement is dictated by multiple sets of traffic lights and given the significant numbers of pedestrians and drivers who cross/use the busy junction, the advert would distract drivers and result in an increased likelihood of unacceptable danger to users of the highway. The evidence does not indicate that the existing signs have resulted in increased safety concerns and does not provide any supporting evidence to demonstrate why a smaller digital image would result in greater safety concerns. Accident data has not been referred to by the Council.
5. The appellant has provided accident data which indicates that there have been eight recorded incidents at this junction in the last five years. Only two of them resulted in serious injury. It is suggested that just three of the incidents were on the approach to the appeal site and none were attributable to the existing hoardings. Conditions have been suggested that would limit the luminance of the signs and control the nature and timing of images to prevent moving images and message sequencing.
6. Paragraph: 068 Reference ID: 18b-068-20140306 of *Planning Practice Guidance* sets out the main types of advertisement which may cause danger to road users. Of relevance in this case are when their size or brightness could result in glare and dazzle; when adverts are subject to frequent changes of the display; and when they incorporate moving or apparently moving elements or successive individual advertisements which do not display the whole message. The conditions suggested by the appellant and the set back of the advert from the carriageway would address these concerns and the proposal would therefore satisfy the guidance.
7. The fact that the junction is entirely controlled by traffic lights provides greater assurance that it would continue to operate safely. The adverts are set well away from the carriageways and as such, they do not conflict with the associated highway infrastructure. Overall, I am not persuaded that the proposal would add to the already limited highway safety concerns.
8. I do not find conflict with Policy BE15(2) of the Mansfield District Local Plan 1998 which relates to traffic safety. The Regulations, the *National Planning Policy Framework* and the *Guidance* require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. However, I have taken them into account as material considerations.
9. Given my conclusion that the proposal would not materially add to highway safety concerns, I allow the appeal.
10. The Regulations impose five standard conditions. I have also included the additional requirements suggested by the appellant as they relate specifically to LED displays and would be necessary to ensure that safety would be maintained.

Peter Eggleton

INSPECTOR