

Appeal Decision

Site visit made on 29 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/P4415/Z/20/3251717

Land in front of Grand Designs, 1 Chemist Lane, Rotherham S60 1NA

- 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 Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/0142, dated 28 January 2020, was refused by notice dated 6 March 2020.
 - The advertisement proposed is installation of 1 x 48 sheet freestanding digital advertising display unit.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Amenity

3. The appeal site relates to land in front of Grand Designs which is a two-storey retail building with car park. The surrounding area is relatively commercialised, dominated by the busy College Road roundabout junction that has several pedestrian underpasses. There is a grass embankment between the appeal site and the footpath that sits below the roundabout.
4. The Planning Practice Guidance (PPG) gives an example that, in considering the effect on amenity of a proposed advertisement, a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or 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.
5. Although it is in the latter context which I find the appeal proposal, I find that its size and sitting, mounted on poles at the top of the grass embankment would lead to it being a dominant and obtrusive feature. It would occupy a prominent position and is sufficiently removed from the retail building to the rear, and as a result, due to its size, would appear isolated and incongruous. The display of illuminated digital images would be striking and prominent and

would not integrate well into the street scene. For these reasons, the appeal proposal would create an alien feature. Despite a commitment to remove advertisements that are fixed to the fence and portacabins, the cumulative impact with other advertisements in the vicinity would create clutter and adversely affect the visual amenity of the neighbourhood of the site.

6. In accordance with the Regulations¹, I have taken into account the provisions of the development plan so far as they are material. I conclude that the proposed advertisement would have a harmful effect upon amenity. The proposal would therefore conflict with the elements of Policies SP55 and SP60 of the Rotherham Local Plan (Sites and Policies) (2018) which seek to ensure, amongst other things, that all forms of development are required to be of high quality design that positively contributes to the local character; and that advertisements are of high quality and sensitive to their visual appearance in relation to their size and siting and the surrounding street scene.
7. The proposal would also be contrary to guidance contained in the National Planning Policy Framework (the Framework) (2019) which states that, the quality and character of places can suffer when advertisements are poorly sited and designed.

Public Safety

8. The appeal site is a grassed area at the roadside overlooking College Road roundabout which is a busy junction of five roads and includes a circulatory traffic light system.
9. The PPG emphasises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety.
10. Paragraph 068 of the PPG outlines that the main types of advertisement which may cause danger to road users are, amongst others, those which, because of their size or siting, would confuse a road-user's view, or reduce the clarity or effectiveness of a traffic signal, and; those internally illuminated signs (incorporating either flashing or static lights) including those utilising LED technology: i) where the means of illumination is directly visible from any part of the road; ii) which, because of their colour, could be mistaken for, or confused with, traffic lights; iii) which, because of their size or brightness distract road-users or iv) which are subject to frequent changes of the display.
11. The proposed digital advertisement would display static, illuminated images. It would be sited on top of an embankment and would be mounted on poles, thus occupying a raised position. It would front onto College Road roundabout, which I observed has high levels of traffic. For the most part, the roundabout comprises three defined lanes. It is interspersed with traffic light signals. Most pertinently, the stop line for one set of signals, which dissects the Greasbrough Street arm, looks almost directly at the appeal site.
12. For drivers negotiating the roundabout, significant attention needs to be paid to highway signs, signals, lane arrangements and traffic conditions. Given its scale and illumination, it would be an unnecessary distraction for the concentration that is required, particularly when approaching the traffic lights referred to above, where the advertisement would be highly visible. The

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

illumination and the changes in images would further distract motorists and thus risking highway safety.

13. I conclude that the proposed advertisement would have a harmful effect upon public safety. The proposal would therefore conflict with the elements of Policy CS27 of the Rotherham Local Plan (Core Strategy) (2014) and Policy SP60 of the Rotherham Local Plan (Sites and Policies) (2018) which seek to ensure, amongst other things, that development protects, promotes or contributes to securing a safe environment; and that advertisements must not cause a hazard to road users.
14. The proposal would also be contrary to guidance contained in the Framework which states that advertisements should be subject to control only in the interests of amenity and public safety.

Other Matters

15. The appellant has referred to a number of other advertisement consent decisions, including appeal decisions. Although I do not have full details of all the examples given, I accept that there are some similarities with the appeal site and proposal. However, the characteristics of each site are different, and I have determined the appeal on its own individual merits.
16. I have considered the conditions suggested by the appellant. I consider that none of them including those relating to luminance, display time, content restriction and changing of images, would negate the harm to amenity and public safety that I have identified.

Conclusion

17. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR