
Appeal Decision

Site visit made on 1 September 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/W1850/H/20/3253035

Hereford United Football Club, Edgar Street, Hereford HR4 9JU

- 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 Replyshort Limited against the decision of Herefordshire Council.
 - The application Ref 194164, dated 25 November 2019, was refused by notice dated 7 April 2020.
 - The advertisement proposed is originally described as a "6 metre x 3 metre Digital Screen on 3 metre High Base".
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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 visual amenity of the area and on public safety.

Reasons

Visual amenity

3. The proposed advertisement would be located in a car park off Edgar Street on the northern side of the Hereford United Football Club stadium. The stadium is framed by roads, car parking, service areas and is currently covered by numerous fascia signage, particularly along the Edgar Street side of the stadium. On the western side of Edgar Street there is a mix of residential and commercial development which face the stadium.
4. The appeal proposal comprises of a digital display screen on a centrally positioned freestanding pole diagonally oriented towards southbound traffic along Edgar Road. The approximate dimensions of the display screen would be six metres wide, three metres tall, the freestanding pole would be three metres tall, equating to an estimated height of six metres altogether. The display screen would be internally illuminated and is described by the appellant as having approximately ten second cycles between changing advertisements, with static transitions and no movement within each display.
5. The appeal proposal would be viewed in relation with the stadium and would not in itself appear out of character with the context set by the stadium and its surrounds, particularly acknowledging the extent of advertising already existing on the stadium. However, there are currently no examples of illuminated signs with transitioning advertising either on the stadium or within the wider

surrounds and would therefore appear incongruous. The introduction of these proposed features would have a negative effect on the existing visual amenity in this location given the flashing effect which would result from the frequently changing advertisements. When considered in combination with the prominent size, height, location and orientation of the proposal towards southbound traffic and residential dwellings on the opposite side of Edgar Street, the proposed signage would appear dominant and in my view harm the visual amenity of the area.

6. Whilst I appreciate the appellants commentary critiquing the current visual amenity quality on this side of the stadium, given the bare nature of the visible stadium wall and surrounding carparking area, it does not follow that the contribution of the proposed digital display signage would be positive as suggested. Furthermore, the separation distance of the signage to dwellings on the opposite side of Edgar Street and the ability to condition the brightness of the signage would not adequately reduce the harm I have identified, particularly resulting from the changing advertisements on the display.
7. I therefore conclude that the proposed sign would have a harmful effect on the visual amenity of the area and therefore conflicts with Policies SD1, SS6 and LD1 of the Herefordshire Local Plan Core Strategy (CS) (adopted October 2015) and Paragraph 132 of the National Planning Policy Framework (the Framework). The CS policies seek, amongst other things, to ensure development is designed to adhere to its local context and characteristics. The CS policies have been considered to the extent permitted by Paragraph 132 of the Framework which limits assessment of advertisements to visual amenity and public safety.

Public safety

8. Regulation 3(2)(b)(i)¹ details that the safety of persons using any highway is a relevant factor in considering the effect of advertisements on public safety. The Planning Practice Guidance (PPG) recognises that advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety².
9. Edgar Street (A49) is a busy trunk road leading to the centre of Hereford, carries two way traffic and is subject to several junctions which affect the flow of traffic adjacent to the stadium. The southbound section of Edgar Street leading up to the appeal site in particular comprises of two lanes and receives feeder traffic from Hereford City Link Road (A465) and Prior Street via a signalised junction with a staggered configuration. Continuing along Edgar Street towards the proposed advertisement, Moor Street forms a simple priority junction which allows all movement access with Edgar Street.
10. This configuration represents a complex arrangement for highway users whereby they need to remain aware of required lane changes, the movements of other users, and vehicles entering onto Edgar Street from the described junctions and vice versa. The movement of pedestrians, particularly during events at the stadium, would further add to the considerations of highway users and affect the safe movement of traffic along Edgar Street. Highways England have noted that there have been several collision incidents resulting in

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

² Paragraph 067 of the Planning Practice Guidance

personal injury or casualty along this section of Edgar Street within the last five years. This emphasises the importance for highway users to pay full attention to the road conditions and environment within this location.

11. Paragraph 068 of the PPG provides examples of advertisements which may constitute harm to public safety. The examples listed include signs which for its size and siting would be likely to distract road-users³ and which is internally illuminated (with either flashing or static lights) where the light would be directly visible from any part of the road or which is subject to frequent changes of the display⁴. The proposal would align with these specific examples of advertisements that may cause danger to road users. This in mind and having regard for the complex highway arrangements along this section of Edgar Street, the introduction of the proposed digital display sign opposite the Moor Street junction would be a significant distraction to highway users and would be likely to have a detrimental effect on the public safety.
12. The appellant contests that proposed sign would be visible in the distance by approaching vehicles on Edgar Street and would therefore assimilate with its background and form part of the subliminal surrounds. However, the illuminated and changing nature of the display would continue to draw the attention of highway users away from the flow of traffic with each advertisement transition, creating the potential for collision and putting the safety of highway users at risk. The appellant also suggests that the proposed digital display screen would be no more distracting than an ordinary fascia sign. However, this is clearly not the case when considering the criteria under the PPG and the complex highway arrangements along this section of Edgar Street.
13. I therefore conclude that the proposed sign would have an unacceptable impact on public safety, with particular regard for persons using the highway network. It would conflict with Policy MT1 of the CS, Paragraph 132 of the Framework and Paragraphs 067 and 068 of the PPG. Policy MT1 seeks, amongst other things, to ensure development does not adversely affect the safe and efficient flow of traffic on the highway network. The criteria within this policy has been considered to the extent permitted by Paragraph 132 of the Framework.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR

³ Criteria (b) of Paragraph 068 of the Planning Practice Guidance

⁴ Criteria (e) of Paragraph 068 of the Planning Practice Guidance