
Appeal Decision

Site visit made on 10 November 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal Ref: APP/A1015/Z/20/3258157

Land at Lordsmill Street facing Lordsmill Roundabout, Chesterfield S41 7RW

- 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 Smith (Alight Media) against the decision of Chesterfield Borough Council.
 - The application Ref CHE/20/00460/ADV, dated 8 July 2020, was refused by notice dated 20 August 2020.
 - The advertisement proposed is the erection and display of a 48-sheet digital LED advertising unit.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council has drawn my attention to Policy CLP22 of the Chesterfield Borough Local Plan (LP) which it considers to be relevant to this appeal. I have taken into account where relevant the content of this policy; however, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issue

4. The effect of the proposed advert on public safety as it relates to road users.

Reasons

5. The advert is proposed to be located on a landscaped area adjacent to a car park serving commercial units. The local area is commercial in nature and the

advert would be designed to face a busy roundabout which links several arterial roads into and out of the city centre. The proposed unit is of 48-sheet size and is internally illuminated. It would be elevated by steel poles and display static digital imagery, although these are capable of being changed every 10 seconds.

6. The PPG states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care are more likely to affect public safety. This includes roundabouts, among other locations. Furthermore, the PPG advises that the main types of advertisement which may cause danger to road users are those which are illuminated, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of the display.
7. The advert would be located in a prominent position and, in line with its purpose, highly visible from the surrounding area. I note luminance levels would fall within best practice guidance for brightness. However, the digital illumination would result in a visually incongruous feature that would stand out from the other, more modest, advertisements in the area and would be a dominant feature for drivers when approaching and entering the roundabout. This is despite not breaking the skyline. Given the minimum of 10 seconds between the changing of the advert display, albeit with limited transition time, this has the potential to distract motorists and create visual confusion, despite a lack of traffic signals on the roundabout itself.
8. Moreover, for drivers negotiating the roundabout, significant attention needs to be paid to lane arrangements and traffic conditions. Given its scale and illumination, the advert would be a distraction to the concentration that is required, particularly when approaching the roundabout exits to Lordsmill Street and Hollis Lane, where the advertisement would be highly visible.
9. I acknowledge these types of advertisements are commonplace in many streetscapes in the UK, such as the example the appellant has drawn my attention to. However, each proposal has its own site-specific circumstances. In this instance, while drivers are required to look to their right-hand side for an opportunity to enter the roundabout at the approaches from Markham Road and St Mary's Gate, the advertisement on the left may distract driver's attention in the opposite direction. As such, while they may be of a similar scale and near a busier road, they are not directly comparable to the proposal before me. Regardless, I am required to form my own judgement and despite the existence of similar units in other locations it does not follow that, due to the harm I have identified, this appeal should be allowed.
10. For the above reasons, I conclude that the proposed advertisement would be harmful to public safety as it relates to highway safety and pedestrians. Whilst I have had regard to the guidance in paragraph 67 of the PPG and on page 28 of the 'Outdoor Advertisement and Signs: A Guide for Developers' and considered the suggested standard and non-standard conditions, these would not overcome the harm I have identified.
11. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. The Council refers to policy CLP22 of the LP, which states development proposals will not be permitted where they would have an unacceptable impact on highway safety. Given that I

have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with this policy.

Other Matters

12. I appreciate the proposal may bring some environmental and economic benefits. These include, when compared to traditional paper billboards, painted signs and banners: reduced energy consumption; easy recycling of component parts; and a reduced number of maintenance visits to site. I am also informed of the contribution the advertisement sector makes to the economy as a whole. However, these matters would not outweigh the harm that I have identified. Moreover, the Regulations require that I exercise my powers only with regard to amenity and public safety albeit these benefits may be proffered as other relevant factors.

Overall Conclusion and Recommendation

13. I conclude that the display of the advertisement would be detrimental to the interests of public safety. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR