



Appeal Decision

Site Visit made on 3 December 2020

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/P4415/Z/20/3259757

Off Centenary Way, Land adjacent 3 to 5 Greasbrough Road, Northfield, Rotherham, S60 1RD

- 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 Graeme Hughes of Alight Media against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2020/1165, dated 15 July 2020, was refused by notice dated 16 September 2020.
 - The advertisement proposed is Two 48-sheet digital LED advertising units mounted on a single central pole.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Public Safety

3. The appeal site is located in the corner of the car park of a pet supplies shop. There is a grassed embankment that slopes down towards the appeal site from the elevated section of the A630 (Centenary Way) which is a busy dual carriageway that forms one of the main routes to, and from, the town centre. The road, including where it is adjacent to the appeal site, contains a number of traffic light junctions.
4. 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.
5. 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.

6. The proposed digital advertisements would display static, illuminated images. They would be mounted on a single central pole, where due to their height would be clearly visible to motorists on Centenary Way travelling in both directions. For motorists travelling in an eastward direction, the advertisement visible to them would not distract them from any traffic signals or junctions they would need to be aware of, or to negotiate. I do not find that this one, of the two advertisements, would harm public safety.
7. For motorists travelling in a westward direction, on approaching the appeal site they are required to observe the traffic light junction with Greasbrough Road. Most pertinently the stop line for the signals on Centenary Way would look almost directly at the proposed advertisement. For these drivers, significant attention needs to be paid to the traffic lights.
8. Given its scale and illumination, the advertisement that would be visible 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 illumination and the changes in images would further distract motorists and thus risking highway safety.
9. 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 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.
10. The proposal would also be contrary to the National Planning Policy Framework (the Framework) (2019) which states that advertisements should be subject to control only in the interests of amenity and public safety.

Amenity

11. The appeal site is located in an area with a variety of building styles and sizes. The surrounding area is relatively commercialised, dominated by the busy dual carriageway adjacent to the appeal site that is elevated where it crosses the waterway and railway beneath.
12. The Planning Practice Guidance (PPG) gives an example that, in considering the effect on amenity of a proposed advertisement, a large poster-boarding 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.
13. Although it is in the latter context which I find the appeal proposal, I find that its size and sitting, mounted on a pole would lead to it being a dominant and obtrusive feature. It would occupy a prominent position and is sufficiently removed from the building to the rear, and as a result, due to its size, would appear isolated and incongruous. The display of illuminated digital images

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

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.

14. 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.
15. The proposal would also be contrary to the Framework, which states that, the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

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 overcome 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