The Planning Inspectorate

Appeal Decision

Site Visit made on 10 February 2021

by A M Nilsson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/F4410/Z/20/3256699
Land at Portland Place Car Park, Doncaster, DN1 3DP

- 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 Alight Media Ltd against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 20/01041/ADV, dated 31 March 2020, was refused by notice dated 8 June 2020.
- The advertisement proposed is a single illuminated 48-sheet digital advertisement display.

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 Portland Place Car Park adjacent to the busy Cleveland Street roundabout which is located on one of the main arterial routes towards the centre of Doncaster.

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 advertisement would display static, illuminated images. It would be mounted on poles, thus occupying a raised position. It would front onto Cleveland Street roundabout, which I observed has high levels of traffic. For the most part, the roundabout comprises two defined lanes. The proposed

advertisement would face directly towards the A630 (Cleveland Street) junction where it would be in the direct line of sight to the four lanes of traffic which approach the roundabout in this location. It would also be adjacent to the A630 (Trafford Way) junction where drivers required to observe traffic to the right would be presented with distracting illuminated images to their left.

7. For drivers negotiating the roundabout, significant attention needs to be paid to highway signs, lane arrangements and traffic conditions. Given its scale and illumination, it would be an unnecessary distraction for the concentration that is required. The illumination and the changes in images would further distract motorists and thus risking highway safety.

8. In accordance with the Regulations[1], 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 ENV58 of the Doncaster Unitary Development Plan (1998) that seek to ensure that proposed advertisements do not detract from public safety.

9. 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

10. 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 Cleveland Road roundabout.

11. 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.

12. Although it is in the latter context which I find the appeal proposal, I find that its size and siting, mounted on poles would lead to it being a dominant and obtrusive feature. It would occupy a prominent position and is sufficiently removed from the buildings 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.

13. I conclude that the proposed advertisement would have a harmful effect upon amenity. The proposal would therefore conflict with the elements of Policy ENV58 of the Doncaster Unitary Development Plan (1998) and Policy CS14 of the Doncaster Core Strategy (2012) that seek to ensure that proposed advertisements do not detract from amenity or the character of the local environment.

14. 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.

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

Other Matters

15. The appellant has referred to a number of other similar sized advertisements in the area and the wider region. I do not have full details of all the examples given and the characteristics of each site are different. I have also 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 overcome the harm to amenity and public safety that I have identified.

17. The fact that the appeal site is not within a Conservation Area or does not currently contain any advertisements are not factors which would override the harm I have identified. Similarly, I am not persuaded that any revenue that would be generated by the development would justify the harm I have identified.

Conclusion

18. 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