



Appeal Decision

Site visit made on 17 August 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/P4415/Z/21/3273522

Rotherham Tyre and Auto Centre, 46 Canklow Road, Rotherham

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Ben Porte (Clear Channel UK Ltd) against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/0236, dated 3 February 2021, was refused by notice dated 24 March 2021.
 - The advertisement proposed is replacement of existing hoarding with 2no D-Poster (6m by 3m) displays and vertical meadow green wall.
-

Decision

1. The appeal is allowed, and express consent is granted for the replacement of existing hoarding with 2no D-Poster (6m by 3m) displays and vertical meadow green wall as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The displays of the 2 no D-posters hereby approved shall be switched off between 2300 hours and 0500 hours the following morning.
 - 2) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 candelas between dusk and 2300 hours. During daylight hours the luminance shall be controlled by sensors to reflect ambient light conditions to ensure that the displays shall remain within the levels recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 3) The displays shall only show two dimensional static images, shall contain no moving images, animation, video or full motion images and no messaging should spread across more than one screen image.
 - 4) The advertisements' displays shall not change more frequently than every 10 seconds and changes between advertisements should be less than 0.1 of a second.
 - 5) The approved advertisements shall contain at all times a feature that will turn the screen off (display a black/blank screen) in the event that the display experiences a malfunction or error.

Procedural Matters

2. It appears to me that the spelling of Canklow Road on the application form and appeal form is incorrect. I have taken the spelling from the decision notice and determined the appeal accordingly.
3. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.
4. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my determination of this appeal.
5. The Council does not object to the siting of the advertisements on public safety grounds, following my site visit and subject to conditions I see no reason to disagree.

Main Issue

6. The main issue is the effect of the proposed advertisements on amenity.

Reasons

7. The appeal site is located just after a bend in the Old Sheffield Road approaching from the south west. Adjacent to the appeal site Canklow Road is characterised by a mix of building designs with most buildings in commercial use. There is a range of signage in the area that reflects the variety of uses and designs of buildings. Signage is mostly none illuminated but the amount and location of lighting along the street frontage and within the adjacent garage site suggests a reasonable level of evening illumination in the area. The commercial backdrop with its boundary wall and fencing and the road with associated infrastructure, such as lighting, influence the area's appearance.
8. The existing hoarding is displayed above the boundary fence and wall between two commercial properties. There are external storage areas adjacent to the fencing and wall at either side. Due to its height above the boundary treatment and its size the existing hoarding is a visible element of the street scene. The illumination, sequential digital images, and the more bulky and robust design of the two digital displays proposed would be somewhat more prominent in their immediate setting than the sign they replace. However, despite their purpose, I consider that the digital advertisements, as a replacement of an existing similarly placed sign, would not be significant features within the street. Their prominence would be reduced by their immediate surroundings as well as the range of street furniture, walls and fencing adjacent to the site. The digital advertisements would not appear isolated or incongruous in their context, nor would they be obtrusive.
9. Further, the contrast between the existing non-illuminated hoarding and the proposed illuminated signs would be limited in the evening because of the illumination from the highway. This is subject to the level of illumination being

controlled by condition and takes account of the appellant's proposal that the advertisements would be turned off between 2300 hours and 0500 hours. Although the proposal includes a vertical meadow green wall to the south side, I noted at my site visit that the fence below the existing sign on the southern side is obscured by steel containers. Therefore, whilst there may be glimpses of additional greenery which may soften the existing fencing, the bottom of the structure would largely be obscured. Nevertheless, this does not alter my conclusion about the appearance of the proposed signage in the street scene.

10. I have had regard to Policies SP55 and SP60 of the Rotherham Local Plan Sites and Policies document where these policies require advertisements to be sensitive to their surroundings. However, I conclude that the proposed digital advertisements would not have an unacceptable effect on amenity. Nor do I find conflict with the Framework in so far as it relates to the design of advertisements.

Conditions

11. The conditions suggested by the appellant are supported by the Council in the interests of public safety and I have considered these. Firstly, the advertisement should operate at an illumination level no greater than 300cd/square metre in the evening, should be limited by sensor during the day and turned off between 2300 hours and 0500 hours in the interests of amenity and highway safety given the proximity to traffic signals. I also consider it necessary in the interests of visual amenity and highway safety to impose conditions that control the display. The display shall not change at a frequency of more than once every 10 seconds, use message sequencing or display interactive messages, there shall be no special effects of any kind and the interval between successive displays shall be instantaneous. In the case of a malfunction the displays should be blank or turn off.

Conclusion

12. For the reasons given above, and subject to conditions, the appeal is allowed.

Diane Cragg

INSPECTOR