



Appeal Decision

Site Visit made on 9 November 2021

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/X1355/Z/21/3277597

land north east side of the Black Horse, Front Street, Consett, DH8 5RL

- 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 BB Media Assets Limited against the decision of Durham County Council.
 - The application Ref DM/21/00805/AD, dated 9 March 2021, was refused by notice dated 4 May 2021.
 - The advertisement proposed is modernisation of an advertising station - replacement of 3 no 48-sheet classic advertising displays with 1 no 48-sheet digital advertising display.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the appeal site address from the appeal form as this is the most accurate description of the location of the signage.
3. The Regulations¹ require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) 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.

Main Issue

4. The Council does not object to the siting of the advertisement on amenity grounds and following my site visit I see no reason to disagree.
5. Therefore, the main issue is the effect of the advertisement on public safety.

Reasons

6. The PPG establishes that advertisements in locations where drivers need to take more care, including junctions and pedestrian crossings, are more likely to affect public safety. The PPG also lists the main types of advertisements which may cause danger to road users as including those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal; and those externally or internally illuminated signs which could distract road users.

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

7. The appeal site is located on the south west corner of the signalised four arm junction of Front Street, Sherburn Terrace and the B6308 in central Consett. The parcel of land currently hosts 3 no 48 sheet, 6 metre by 3 metre non-illuminated advertising displays. The proposal would replace all three advertisements with a single digital display of a similar size.
8. All roads on the approach to the junction are subject to a 30mph speed limit, there are pedestrian footways on both sides of each road and streetlighting. The signalised junction incorporates a pedestrian crossing and there is a high level of pedestrian movement within the area because of the appeal site's proximity to the town centre, public houses, and the bus station.
9. The digital display would have very limited visibility on the approach to, or the stop lines at Front Street, Sherburn Terrace and Station Road. It would however be readily visible when travelling northwards on the B6308 (Medomsley Road) towards the junction and at the stop line. The digital sign would also be visible to all vehicles undertaking manoeuvres at the junction, although these would be more limited travelling south. The signage would be particularly noticeable at night even if the level of illumination is minimised by condition.
10. Two lanes of traffic approach the signalised junction from all directions and this requires drivers making a right hand turn across oncoming traffic to exercise particular care and attention. In addition, the traffic light for the right-hand turn at Medomsley Road is located on the north east corner of the junction near the proposed digital signage. Consequently, there are various manoeuvres that would be prejudiced if drivers are distracted or are unable to clearly see the traffic signals.
11. Due to its illumination, height and width and its siting close to the junction, the advertisement would be in drivers' field of vision and traffic control lights, particularly those controlling the right-hand turn lane, would be seen closely with, if not against it. The sign would distract attention and the illuminated imagery would detract from the clarity of the traffic signals particularly after dark. The additional visual information and clutter, resulting in even momentary distraction and delayed reaction on the approach to, and at, the busy junction, would increase the risk of conflict between road users. For these reasons I do not agree with the appellant that the digital display is only clearly visible once decision and action points on the highway network have passed.
12. I accept that in principle dwell times may be less than the time taken for the digital image to change, but this depends on the advertisement cycle coinciding with the traffic signals. Therefore, there is no certainty that the image would not change while a car is manoeuvring at the junction.
13. The appellant draws my attention to six accidents that have occurred at the crossroads over the last 5 years. I acknowledge that the level of accidents identified is not uncommon for a busy signalised crossroad junction and the existing signage was not a contributory factor to these accidents. Nevertheless, it does indicate that it is a junction where there are manoeuvres that require driver's particular attention. In my view advertisements that draw driver's attention away from observing the road conditions would increase the risk of accidents.

14. The two existing static non-illuminated advertisements to be removed are less imposing than a digital illuminated sign with changing images, particularly in darkness or when visibility is affected by weather conditions. These existing signs do not alter my concerns in relation to the appeal proposal.
15. The appellant refers to several sites where the junction is considered more complex. However, I have limited details of these other schemes before me, and my views are based on the particular road conditions adjacent to the appeal site. I have also considered the appeal at Blyth² and for similar reasons the conclusions at that site have limited bearing on my assessment of the appeal scheme. Nor is it relevant to public safety or the appeal scheme that digital signage is considered commonplace, or that more generally digital media is not considered inherently unsafe. I have determined the appeal on its own merits.
16. Overall, I conclude that the proposal would be detrimental to public safety. While not determinative, the proposal would conflict with the public safety aims of Policy 29 of the County Durham Plan adopted 2020. It would also conflict with the Framework where it seeks to resist development that has an unacceptable impact on highway safety.

Other Matters

17. The appellant asserts that the advertisement would result in significantly reduced vehicle trips to the site for maintenance and advert replacement. However, as the existing signage is non-illuminated and the proposed advert would be a digital display constructed of different materials and constantly illuminated, I do not have sufficient evidence to conclude that the change in technology would result in an overall environmental benefit.

Conclusion

18. For the reasons given above, I conclude that the display of the digital advertisement would be detrimental to the interests of public safety, therefore the appeal is dismissed.

Diane Cragg

INSPECTOR

² Appeal ref: ref. APP/P2935/Z/19/3238082