



Appeal Decision

Site visit made on 10 January 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/P4415/Z/21/3288128

Lidl, Masbrough Street, Masbrough, Rotherham S60 1EX

- 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 Lidl GB Ltd against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2021/1418, dated 7 June 2021, was refused in part by notice dated 7 October 2021.
 - The development proposed is two illuminated wall-mounted billboard signs.
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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 Matters

3. No description of the proposed development was provided on the planning application form, with attention being directed to the description that was set out in the covering letter that accompanied the application form. I have therefore taken the description of development from part of the descriptions provided on the decision notice and appeal form, and the description above adequately and concisely describes the proposed development.
 4. The Council issued a split decision in respect of the above application granting consent for one free standing illuminated billboard and refusing consent for the advertisements described above. Notwithstanding the references given for the proposed signage on the Council's decision notice, it is clear from the submitted evidence that the appeal against the refusal of consent relates to the two wall-mounted signs. My consideration is therefore limited to these proposed signs.
 5. Paragraph 136 of the National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In this case, the Council raised no issue in terms of amenity and the reason for refusal was focused on public safety with regard to highway impacts. From the evidence before me I agree with the Council's assessment in relation to visual amenity.
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Main Issue

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

Reasons for the Recommendation

7. The appeal site comprises a Lidl superstore and car park in between Masbrough Street and College Road. The site is in an industrial/commercial area and the superstore building is immediately adjacent to the busy College Road Roundabout. The proposal would see the addition of two large externally illuminated signs to the wall of the superstore facing the roundabout.
8. There have been numerous previous applications for various illuminated and non-illuminated advertisements at the appeal site. Some of these were granted and some refused, including two appeals which were dismissed in 2009¹. Permission was not granted on the grounds of the harmful visual impact of the proposed signage and that the signage would be detrimental to highway safety owing to the position of the building next to a busy traffic-light controlled roundabout and in particular its proximity to the College Road junction at the roundabout. The roundabout has since been remodelled with the College Road arm, which previously joined the roundabout, being diverted to act as a feeder lane for the southbound carriageway of Centenary Way. Additionally, the associated traffic lights which served this junction have been removed.
9. However, while the traffic lights that were closest to the superstore building have been removed, the traffic lights that control vehicles where Centenary Way joins the roundabout from the north-east remain. For vehicles on the roundabout at this point, the left-hand advertisement would be directly behind the directional sign for the College Road exit while the right-hand sign would be behind the traffic signals on the inside of the roundabout.
10. The Planning Practice Guidance states that 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. The cited examples include at junctions and roundabouts². No evidence has been submitted of any recorded traffic accidents on the roundabout close to the appeal site since the remodelling of the roundabout has been completed. Nevertheless, during my site visit the roundabout and the roads leading onto it, particularly Centenary Way, were busy. To my mind, this level of activity requires the concentration of the users of the roundabout to be maintained. While the considerable volume of traffic may, at times, create relatively low speeds, drivers using the roundabout require a high degree of attention to safely navigate it.
11. In that context, the prominence of the illuminated advertisements would draw the eye, diverting the attention of road users even momentarily. It would distract exactly at the point where full concentration on the road ahead is required even from drivers that are taking reasonable care of their own and others' safety. The proposed illuminated wall-mounted advertisements would therefore be detrimental to highway safety by increasing the risk of distracting drivers using the busy roundabout, particularly when it is dark and the illumination is at its most prominent.

¹ Appeal refs. APP/P4415/H/08/2091229 and APP/P4415/H/09/2111513)

² Paragraph: 067 Reference ID: 18b-067-20140306

12. It has been suggested by the appellant that conditions could be used to manage and monitor the luminance levels of the proposed signs, however given the scale and position of the signs, which would directly face the roundabout, the proposed signs would still have the potential to distract drivers.
13. My attention has been drawn to other illuminated signage adjacent to roundabouts in Rotherham and in other local authority areas. However, some of these signs are totem poles for supermarkets and therefore are of a different nature to the appeal proposal. It is also unclear whether the other roundabouts are as large or as busy as the College Road Roundabout, or whether the signage is directly behind or in close proximity to traffic lights or directional signs. Moreover, no substantive details of any advertisement consents for these signs have been provided and I am therefore unable to compare the reasons for allowing these signs with the context of the appeal proposal. As such I cannot be certain that these other examples are directly comparable to the proposal before me. In any event, the presence of other advertisements elsewhere does not lead me to alter my conclusions on the harm that would be caused by the proposal due to the specific relationship with the surrounding highway network described above.
14. The Council has drawn my attention to Policy SP60 of the Rotherham Local Plan Sites and Policies (June 2018) which requires advertisements to, amongst other things, contribute to a safe environment and not to cause a hazard to road users. As I have concluded that the proposed advertisement would harm highway safety, it therefore would not accord with this policy. The proposal would also conflict with the guidance in paragraph 136 of the Framework.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I conclude that the proposed digital advertisement would cause harm to highway safety. I therefore recommend that the appeal is dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR