



Appeal Decision

Site visit made on 1 March 2022

Decision by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2022

Appeal Ref: APP/R4408/Z/21/3286423

Land and Buildings to the west of Peel Place and Old Mill Lane, Peel Place, Barnsley S71 1LU

- 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 Wildstone Estates Limited against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0879, dated 14 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is upgrading of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the display of advertisement 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 intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela/m² during hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds and the screen display shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement. The display will include a mechanism to freeze the image in the event of a malfunction. The screen display shall not contain moving images, animation, intermittent, video or full motion images. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. The light sensor shall remain operational for the lifetime of the advert.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety.

Reasons

3. The Planning Practice Guidance (PPG) states 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. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present

traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline¹.

4. The appeal site is adjacent to Peel Place, close to Old Mill Lane. The A61 Old Mill Lane is a well-used and busy part of the highway network. The surrounding area is characterised by a mix of commercial uses and residential properties. The proposed advertisement would replace an existing non-illuminated display. It would be of a similar size and orientation.
5. The Local Highway Authority objected to the advertisement as they consider it may distract drivers and have provided an extract of a study from Brunel University. My attention has been drawn to a Crash Map which shows that there have been incidents close to the appeal site which points to the importance of ensuring that the proposed development does not result in harm to public safety. There is no substantive evidence which demonstrates that the existing advertisement was a factor that led to the accidents.
6. The appeal site is close to signalised junctions and pedestrian crossings. Drivers need to take more care around the junctions and crossings, however that is the case with the existing advertisement. The advertisement would not be conspicuous from the A61/ Old Tannery Road junction and the associated pedestrian crossing due to its siting, distance to the junction and curve of the road. The advertisement would also have little interaction with highway users utilising the A61/ Burton Road signalised junction and associated pedestrian crossing because of its siting on Peel Place which sits lower than the junction and due to its orientation.
7. The existing advertisement is an established feature within the existing street scene. The proposed advertisement would be more noticeable, particularly during hours of darkness, and it would replace a static display. Nonetheless, the site is located within a well-lit area and there is an existing externally illuminated static advertisement close to the appeal site.
8. No compelling evidence has been submitted to demonstrate that the digital display in this location, having regard to the context of the site, would unacceptably distract drivers nor that there would be an increased risk to highway users. Having regard to the Highways Technical Note, the scheme would not harmfully distract drivers because of the speed limit, visibility, distance to the junctions and pedestrian crossings, existing advertisements and the use of appropriate conditions. Accordingly, the scheme would not adversely impact highway safety and would not impede on the safe movement of highway users.
9. For the reasons given above, based on the information before me, I find that the proposed display would not have an unacceptable impact upon public safety. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not have an unacceptable impact upon public safety, the scheme would meet with the aims of Policy T4 of the Council's Local Plan (2019) and paragraph 136 of the National Planning Policy Framework.

¹ Paragraph: 067 Reference ID: 18b-067-20140306

Conditions

10. I have considered the conditions suggested by the Council and the appellant. The suggested conditions have been assessed in light of guidance found in the PPG and where necessary the wording has been amended for clarity and precision.
11. In addition to the five standard conditions set out in the Regulations, in the interest of public safety and amenity, I have imposed conditions controlling the illumination, display of advertisements, sequencing and length of displays, as well as requiring the display to freeze in the event of any malfunction. The level of luminance would be limited to 300 candela/m² during hours of darkness and would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals.
12. A condition imposing the development to be carried out in accordance with the approved plans is not necessary as this decision grants express consent, not planning permission. Conditions 4, 5 and 6 suggested by the Council would be adequately covered by the standard conditions and it is not necessary to duplicate these requirements.

Conclusion

13. For the reasons given above, the appeal succeeds.

L M Wilson

INSPECTOR