
Appeal Decision

Site visit made on 31 May 2022

by Steven Hartley BA(Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/J4423/W/22/3291796

Land between Vicarage Road and Newhall Road, Attercliffe Road, Sheffield S9 3RF

- 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 Mr David Slater, against the decision of Sheffield City Council.
 - The application Ref 21/04438/ADV (formerly PP-10206887), dated 13 October 2021, was refused by notice dated 7 December 2021.
 - The advertisement proposed is an internally illuminated digital advertising board for the display of static images. Digital LED 48 sheet equivalent- 6m by 3m (display size).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed development upon (i) highway safety and (ii) the amenity of the area including the listed, former Adelphi Cinema.

Reasons

Highway safety

4. The appeal site is located at a multi-lane, traffic light-controlled junction on Attercliffe Road. The site itself is currently on open land.
5. There are commercial and other buildings around the junction. There is limited signage on the buildings and those that are present are generally discrete and static, usually naming the actual buildings.

6. The proposed sign would be a free-standing screen on a pole, located at the south-west corner of the site, close to the junction of Attercliffe Road and Newhall Lane. It would be approximately a 6 metres wide, 3 metres high LED advertising display, providing static images which would change no more than once every 10 seconds. The illumination would be no greater than the maximum levels recommended by the Institute of Lighting Engineers Technical Report no 5, Brightness of Illuminated Advertisements (3rd edition).
7. Part 1, Regulation 3 (2)(b)(i) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, requires the local planning authority to exercise its powers in the interests of public safety regarding persons using the highway.
8. Paragraph 111 of the National Planning Policy Framework 2021 (the Framework) states that '*development should only be prevented or refused on highways safety grounds if there would be an unacceptable impact on highway safety, or the residual accumulation impacts on the road network would be severe*', while paragraph 112 aims to minimise conflicts between pedestrians, cyclists and vehicles.
9. The highway junction is both busy and somewhat complex for people wishing to negotiate through it. I consider that the proposed advertisement would be a distraction, especially to drivers negotiating the junction, leading to significant harm to highway safety.
10. The appellant has referred to other digital advertisement panels elsewhere, but I have no details before me as to the highway safety issues appertaining to them. In any event, I have determined the appeal based upon its individual merits.
11. Therefore, I conclude that the proposed development would lead to unacceptable harm to the safety of highway users, contrary to paragraphs 112c and 111 of the Framework.

Effect on amenity

12. The appellant has referred to plans for the site's redevelopment with new buildings which would be located behind the proposed advertisement panel. However, I have no planning consents or plans before me.
13. The surrounding area is a mix of building styles and ages and where signage is modest and discrete. There is a limited amount of signage in the area, and especially of illuminated signs. Therefore, the proposed advertisement panel, by its size, appearance and its lit, changing visual display, would appear out of place in the street scene.
14. Adjoining the site is the Grade II listed (LB) former Adelphi Cinema, described in its listing as a 1920's brick and partly rendered building with a tiled front and a gabled slate roof.
15. While the site on which the advertisement panel would be located may be redeveloped, currently the panel would be viewed in the context of the LB. With its modern, sleek appearance, it would form an alien feature in relation to the

significance of the setting of the LB with its more traditional design and building materials from that era. In this regard, there would be harm caused to the amenity of the area.

16. Paragraph 199 of the Framework also states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'*. I find that the harm to the setting of the listed building would be less than substantial in the context of paragraph 202 of the Framework. While the appellant considers that the sign could be used to display public information, this is not a public benefit that would outweigh the harm to the setting of the LB.
17. Therefore, I conclude that the proposed development would have an adverse impact upon the amenity of the area, contrary to the Council's Unitary Development Plan 2009 (UDP) policy BE13 which intends to preserve character and appearance, and contrary to paragraph 136 of the Framework which notes that the quality and character of places can suffer when advertisements are poorly sited. It would not preserve the setting of the LB, contrary to UDP policy BE19 which aims to protect the setting of listed buildings and contrary to chapter 16 of the Framework which has a similar aim.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed on grounds of public safety and amenity.

Steven Hartley

INSPECTOR