

Appeal Decision

Site visit made on 6 February 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal ref: APP/F4410/Z/22/3309527

8 Town End, Bentley, Doncaster DN5 9AG

- 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 Clear Channel UK against the decision of Doncaster Metropolitan Borough Council.
 - The application, ref. 22/01599/ADV, dated 1 July 2022, was refused by a notice dated 25 August 2022.
 - The advertisement proposed is the display of a wall mounted internally illuminated 48-sheet D-Poster digital display with a height of 3 metres and a width of 6 metres to be fitted to the north-western end gable wall of No. 8 Town End.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is whether or not the proposed illuminated sign would be unduly prominent and distracting to passing vehicle drivers.

Reasons

3. The powers to be exercised in the interests of amenity and public safety under the Regulations, state at 3(2)(b) that factors relevant to public safety include: (i) the safety of persons using any highway,
4. Government guidance explaining the control of advertisement regime dealing with considerations affecting public safety and locations for advertisements likely to affect public safety on the roads notes that whilst all advertisements are intended to attract attention, proposed advertisements at points where drivers need to take more care are more likely to affect public safety. It goes on to provide such examples as at junctions, roundabouts, pedestrian crossings, ... or other places where local conditions present traffic hazards.
5. I agree with the Council that the proposed large advertisement sign to be fixed to the end gable wall of the Town End short row of shops would adversely risk detriment to highway and public safety. Its obvious propose is to draw attention. That opportunity would occur most particularly because of the large digital sign's position facing the busy St Mary's 5 roads A19/A638 roundabout junction. The sign's striking size would likely provide an undesirable distraction to drivers, just as their vehicles were approaching, negotiating and leaving this busy multi-limbed roundabout from the north, north-west and to the east.

That is especially so where traffic approaching the roundabout from the north and under the railway bridge would be faced directly by the large appeal advertisement. Traffic speeds should be low, but particular attention on the part of drivers is required to ensure the safe flow of traffic around the roundabout junction. The sign's illumination at night may be assumed intended to maintain its prominence.

6. Described by the Appellant Company as Out of Home advertising, such displays are said to be; "... always on – day or night. You can't switch it off or turn the page – it's simply unavoidable!". In view of the sign's proposed width, height, and location close to the busy roundabout, which is served by several equally busy roads, the proposed illuminated digital display screen would cause drivers using the roundabout an unnecessary and potentially unsafe distraction. That would be particularly so as this sign would probably regularly change the image displayed, typically ever 15 seconds. I consider that any possibility of drivers being inattentive to the road conditions by even a brief perception of the sign would be at some risk.
7. The Department for Communities and Local Government booklet entitled 'Outdoor advertisements and signs: a guide for advertisers', describes Public safety' in this context to mean the considerations which are relevant to the safe use and operation of any form of traffic or transport on land, (including the safety of pedestrians), over water or in the air. A planning authority is to assess the likely effects of the advertisement in relation to such matters as the behaviour of drivers, possible confusion with any traffic sign or signal. I consider that the proposed sign would be sufficiently distracting or confusing as to create a hazard for people who are otherwise taking reasonable care for their own and others' safety.
8. I conclude therefore that the proposed advertisement would cause drivers to be distracted as they approach and negotiate the St Mary's roundabout junction.

Conclusion

9. For the reasons outlined above, and taking into account all other matters raised, the appeal is dismissed.

John Whalley

INSPECTOR