



Appeal Decision

Site visit made on 7 March 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/J4423/Z/22/3312249

TTS Car Sales, Archer Road, Sheffield S8 0LA

- 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 Stuart Hadley against the decision of Sheffield City Council.
 - The application Ref 22/01485/HOARD, dated 13 April 2022, was refused by notice dated 7 October 2022.
 - The advertisement proposed is removal of existing 4no. billboards and erection of 3no. 48 sheet illuminated LED digital freestanding billboards.
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Decision

1. The appeal is allowed, and express consent is granted for the removal of existing 4no billboards and erection of 3no. 48 sheet illuminated LED digital freestanding billboards at TTS Car Sales, Archer Road, Sheffield S8 0LA in accordance with the terms of the application, Ref 22/01485/HOARD, dated 13 April 2022. The consent is subject to the five standard conditions set out in the Regulations, and the following additional conditions:
 - 1) The advertisement hereby granted consent shall only display static images and shall include no moving or flashing elements.
 - 2) The intensity of the luminance of the advertisements hereby granted consent shall be no greater than 300 candela per square metre during evening and night-time hours. The adverts shall be equipped with a dimmer control mechanism and a photo-cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 3) The advertisement hereby granted consent shall not be illuminated by flashing or intermittent lighting.
 - 4) The minimum length of time for each display shall be 10 seconds and the time interval between successive displays shall be no greater than 0.1 seconds with no fading, swiping or other animated transition methods between successive displays.

Procedural Matters

2. The description of development in the banner heading above is taken from the Decision Notice of the Council. The original description on the application form was extremely vague, and the description supplied on the appeal form was exceptionally long and did not describe the development succinctly. I have no record of any agreement between the parties to any changes, but I am satisfied that neither party is prejudiced by my use of the description.

3. The original application was for 4no. digital advertisements, but the final application that was the subject of determination was for 3no. advertisements, following negotiation between the parties.
4. The Council has drawn my attention to a Development Plan policy it considers relevant to this appeal, and I have taken it into account where relevant. 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. The National Planning Practice Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issues

5. The main issues in this appeal are the effect of the development on amenity and public safety,

Reasons

Amenity

6. The appeal site located within what the Council identifies as a Mixed Use Area, but the locality around the site is more commercial in nature. There are four existing paper advertising hoardings on site and it is proposed to remove those and replace with three digital advertisement units.
7. The Planning Practice Guidance sets out that in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, and the local characteristics of the neighbourhood should always be considered. The National Planning Policy Framework (the Framework) sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.
8. Whilst the rear of the appeal site is screened by trees, these fundamentally screen the rear of the site from residential property. The primary usage of the immediate Archer Road area is commercial in nature, including those commercial premises with considerable amounts of advertising. Although the advertisements would alter the view of the appeal site by the modern nature of the proposal in comparison to the existing signage, they would not be of a scale or be of significant difference in design that would appear obtrusive or result in undue harm to the amenity or local distinctiveness of the area.
9. Due to their size and design, the signs would be designed to display information clearly to promote advertisement of products to passing traffic. Furthermore, the position, which would not be too dissimilar in height to the existing signage would also be offset from the nearby junction, and would not appear cluttered, and therefore no harm would be caused to visual amenity.

Public Safety

10. The advertisements would be placed at an angle with the highway such that it would be at a slightly oblique angle for road users, and those at the nearby traffic lights, in comparison to the existing advertisements.

11. As stated previously, the proposed advertisements would be placed within an area that already has a commercial character and appearance and where advertisements are commonplace. The site currently supports four poster-type advertisements which are clearly visible to users of the highway from both directions and the connecting road, all under signal control.
12. Within this context, I do not consider that the advertisements, which would not be placed so as to interfere with the traffic light heads at the nearby signalised junction, would offer a significant distraction to users of the highway. In addition to the this, there would be a safe distance from the advertisements to the traffic signal heads.
13. The advertisement would not therefore have any significant adverse impact on public safety.

Conditions

14. In addition to the five standard conditions set out in the Regulations, I consider that it is necessary to attach the conditions set out above in order to clearly define and control the consent granted in the interests of amenity and public safety, in line with the comments of the Council. I am satisfied that the additional conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Conclusion

15. For the reasons outlined above, I find that the proposed advertisements would not cause harm to the amenity or public safety of the area. In this regard, there would be no conflict with the requirements of saved policy BE13 of the Sheffield Unitary Development Plan (1998) and paragraph 136 of the Framework. Consequently, for the reasons given above I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR