



Appeal Decision

Site visit made on 14 February 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2023

Appeal Ref: APP/F4410/Z/22/3304482

47 Main Street, Mexborough, Doncaster S64 9LU

- 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 Vivid Outdoor Media Solutions (B) Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/00956/ADV, dated 8 April 2022, was refused by notice dated 28 June 2022.
 - The advertisement proposed is described as the erection and display of a wall-mounted 45-sheet sized digital LED advertising unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has cited the National Planning Policy Framework and Policies 13 and 49 of the Doncaster Local Plan 2015-2035 in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity. Consequently, these have not, themselves, been decisive in my determination.

Main Issues

3. The main issues are the effect of the appeal proposal on:
 - amenity, with particular regard to the character and appearance of the existing street scene; and
 - public safety, with particular regard to users of the local highway network.

Reasons

Character and appearance

4. The appeal site is an existing commercial premises which is situated to one end of Main Street on the edge of the Town Centre of Mexborough, one of Doncaster's Main Towns. The mixed-use, urban character and appearance of the appeal site's context is defined by its mining legacy and the prevalence of local businesses and adjoining residential terraced streets on either side of Main Street, in addition to the large retail unit opposite on Hartley Street. Although it serves a rural hinterland, the commercial character of the appeal site is heavily influenced by its existing use and the signage that relates to it and the surrounding commercial units. The appeal site does not fall within the context of any designated heritage assets.

5. The proposed digital advertising hoarding would be sited on the exposed gable end of No 47 Main Street, at first floor level. The location and orientation of the host property to one side of the roundabout, where Main Street, Hartley Street and Lower Dolcliffe Street intersect, means that this gable end is highly prominent on approach when travelling westwards along Main Street, in either direction along Hartley Street or on approach from Lower Dolcliffe Street. However, the presence of the appeal proposal would be confined to localised vantage points along these routes. The appeal proposal would be of an LED lit digital poster format which would display multiple advertisements on rotation. The appeal proposal's main receptors would be pedestrians, occupiers of vehicles using the local road network and facing properties.
6. The host gable end is devoid of any notable architectural features which would be obscured by the appeal proposal. The proposed unit would be centrally positioned with uniform spacing around it. Moreover, the ratio of exposed wall to advertisement coverage would not result in an overly domineering effect. The size and overall scale proposed is proportionate to that of its host
7. The proposed digital display would present static images only and changes between advertisements would take place instantaneously with no rapid changes, sequencing, fading, swiping, or merging of images. Such measures would ensure that any effect of transitioning of imagery is momentary. Diagnostics software would report any faults and turn the content black pending repair. Overall, I am satisfied that all of these matters could be controlled by way of appropriately worded conditions to achieve a display format which would not be jarring with the surrounding context.
8. The appeal proposal would be illuminated, and this would heighten its presence during hours of darkness. It would however be controlled by light sensors to vary the brightness of the screen according to the ambient lighting conditions up to 300cd/m². This level would not significantly increase luminance in the area above that level currently provided by the existing street lighting. In view of this, and given its orientation and distance from its neighbours, the appeal scheme would pose no notable risk of light to filter into nearby residential properties. There would be no perceivable differential in lighting levels from the appeal proposal to any of its receptors and an appropriate level of light omission would arise for this particular street scene at all times of the day.
9. By virtue of its location, size, operation display and design the appeal proposal would not be at odds with this mixed-use area and would not tip the balance so as to cause visual clutter for its main receptors. Crucially, although its presence would be clearly visually evident both day and night within this street scene, the proposed hoarding would be experienced within the context of the existing commercial premises and their associated signage which surround the appeal site. Overall, coupled with the separation distances and orientation with existing surrounding residential properties, I am satisfied that the appeal proposal will not harm existing living conditions of occupiers on surrounding properties in terms of visual amenity.
10. For these reasons, the appeal proposal would not be harmful to amenity, with particular regard to the character and appearance of the existing street scene.

Highway safety

11. The appellant's evidence appreciates that the purpose of the appeal proposal is to attract attention, but not at a point which becomes dangerous to the safe functioning of the highway. Nonetheless, the Local Highway Authority ("LHA") has opposed the particular appeal proposal by virtue of its location fronting onto traffic at a busy section of the highway network, near a roundabout junction.
12. The LHA has drawn attention to the Institute of Lighting Practitioners' Guide which advises that moving images, animation, video, or full motion images should not be displayed at locations where they could be seen by drivers in moving traffic and present a hazard. However, the LHA has not demonstrated that the changing images that would be accommodated within the advertisement unit would constitute animation. Moreover, I am satisfied that the proposed display unit would be located so as not to obstruct vision or hinder the interpretation of highway signs or signals. Being served by a mini roundabout with 4 entrances and exits, this is not a particularly complex junction, and the speed limit here is not high.
13. Nonetheless, on-comers would experience the appeal proposal during the extent of their approach to this roundabout junction within which it would be visible. During that time its content would have changed. The small scale of the roundabout junction means that it will be prone to the slowing down, halting and pulling off of vehicles within a very concentrated area. Moreover, the submitted evidence confirms this to be a busy route. When coupled with the change in imagery, the site-specific circumstances of this edge of town centre location mean that there is a realistic prospect that road users could become unduly distracted. In the absence of convincing evidence to the contrary, and despite the commercial characteristics of this part of Mexborough, I find that this particular set of circumstances could be prejudicial to public safety even when highway users are taking reasonable care for their own and others' safety.
14. Although my attention has been drawn to a previous poster hoarding in a similar position and size to that proposed, this elevation is currently free of any existing features. In any event that advertisement did not feature frequently changing content. Consequently, the appeal scheme represents a significant visual change which may not be expected by users of this particular part of the local highway network. Therefore, the previous site history does not influence my assessment of the effects on public safety arising from the specific appeal proposal before me. For these reasons, the appeal proposal would have a realistic prospect of being harmful to public safety, with particular regard to users of the local highway network.

Conclusion

15. Despite the absence of harm to amenity and the environmental and economic benefits advanced by the appellant, the identified harm to public safety is not outweighed. Therefore, I conclude that this appeal should be dismissed.

C Dillon

INSPECTOR