



Appeal Decision

Site visit made on 28 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/F4410/Z/22/3310328

Land adj to 39 Askern Road and corner of Swan Street, Doncaster DN5 0JB

- 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 Group Limited against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/01630/ADV, dated 23 June 2022, was refused by notice dated 6 October 2022.
 - The advertisement proposed is replacement of existing externally illuminated poster advertisement display with internally illuminated D-poster.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address provided in the application form was amended by the Council decision notice. I have updated the site address accordingly to provide certainty of the location. I am satisfied that the interests of the parties are unaffected by those necessary changes that I have made.
3. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The parties have drawn my attention to policies of the Doncaster Local Plan 2015-2035 (LP), adopted September 2021, considered to be relevant to the appeal. This includes the Council identifying in the decision notice that they consider that the proposal fails to accord with Policy 49 of the LP. I have taken the policies and consultation responses to the application into account as material considerations, in so far as they are relevant to amenity and public safety.

Main Issue

4. The main issue is the effect on public safety.

Reasons

5. The appeal site is in a corner position located on the inside of a bend in the alignment of Askern Road (A19) at its junction with Swan Street and adjacent to the gable end of a row of terraced dwellings. The immediate surroundings on the western side of Askern Road are residential, whilst the opposite side of the road is more mixed with commercial premises on the corner with Daw Lane and a Lidl supermarket, with associated car parking and signage to the south.

6. The site currently has an externally illuminated 48-sheet billboard for display of static advertisements with its own supporting structure that forms part of tall fencing up to around half its height and is fronted by a grassed area enclosed by low boundary mesh fencing which adjoins the respective footways. Based on the evidence before me, the existing billboard has been in place for over ten years and benefits from deemed consent. The existing billboard has an angled position towards the viewpoint of motorists and passers-by approaching in a southerly direction along Askern Road and entering the junction with Swan Street. As such the size, scale and siting of the proposed advertisement display of itself would not result in additional harm to the character and appearance of the area when compared with the existing billboard or in terms of visual clutter. Furthermore, although the LED internally illuminated nature of the proposal with changing of advertisements displayed would differ from the existing billboard, its positioning against a backdrop of residential properties and existing fencing in a location with a variety of signage along this section of Askern Road, including commercial and retail signs on the opposite side, would ensure that it would not appear unduly dominant or out of place.

7. Notwithstanding the above, Policy 49 of the LP relates specifically to advertisements and signage and amongst other things, it seeks that they are well designed and managed to ensure they do not have a negative impact on public safety. Of relevance in that respect, the policy indicates that advertisements and signage will be supported where they ensure that they do not interfere with footpath or highway safety or cause any other safety hazard. In those regards, the PPG indicates 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. The PPG goes on to identify the main types of advertisement which may cause danger to road users. The list includes, amongst other things, those which because of their size or siting would be likely to distract road-users because of their unusual nature. In addition, it also refers to internally illuminated signs (incorporating either flashing or static lights), including those utilising LED technology, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of display. The proposed LED digital advertisement display would be exactly the type of advertisement referred to. However, the PPG relating to advertisements does not mean that all LED internally illuminated signs would be harmful to public safety. Therefore, the circumstances of the site and surroundings are necessarily considered below.

8. The section of Askern Road where the site is located is a heavily trafficked single carriageway route in each direction with footpaths and street lighting, a 30mph speed limit and includes the junction with Swan Street adjacent and those serving Daw Lane and Redbourne Road on the opposite side of the road. The position of the sign on the inside of a bend in Askern Road largely limits views when approaching until after the junction with Daw Lane to the north whilst a subsequent bend limits views of the road ahead beyond the Lidl supermarket to the south. The lane dividers around the bend include chevrons to separate the traffic lanes and to protect those turning right into each junction, with on-street parking typically within laybys to the south of the site and in marked areas to the north of the Swan Street junction. The highway arrangements are complicated by the presence of a bus stop with on-road markings located on the opposite side of the road between the Daw Lane and Redbourne Road junctions and directly opposite to the Swan Street junction,

together with a pedestrian refuge island immediately after the bus stop that fronts the site.

9. Having driven along Askern Road during my late-morning site visit and also observed vehicles overtaking stationary buses both to turn right into Swan Street and to continue their journey along the A19, it was evident that the complicated highway arrangements accommodating vehicles that are both changing speed and stationary, and where pedestrians are also crossing, requires high levels of concentration with due care and attention for other road users. In that regard, the evidence before me indicates that three accidents have been recorded in the locality in the most recent five-year period available, each resulting in slight injury to road users. Based on my own observations, I consider that it is reasonable that further distractions resulting in even momentary lapses in road user concentration could increase the risk of accidents.
10. The existing advertisement is a well-established feature in this location and has not been identified as having influenced the recorded accidents close by. The positioning of the proposed advertisement would result in similar viewpoints for those primarily travelling in a southerly direction and turning right into Swan Street. In that respect, when approaching the site from the north, the existing advertisement is slowly revealed from behind intervening buildings after passing the junction with Daw Lane. Although its presence comes as somewhat of a surprise amongst terraced buildings, it is not unduly distracting given the static nature of the existing externally illuminated advertisement and the presence of more abundant signage associated with the Lidl supermarket which has totem signs, fascia signs and externally illuminated billboards which draw the eye as part of the backdrop to the road ahead. However, to my mind, the introduction of an internally illuminated LED 48-sheet sign displaying a variety of regularly changing images in this location would alter the existing situation.
11. The proposal would not obstruct visibility from existing junctions and there are no traffic signals in the immediate vicinity. However, due to the addition of LED illumination and particularly the regularly changing images in this location, it would be much more likely than the existing advertisement to draw the eye of motorists during moments when road users are required to exercise care and attention to keep themselves and others safe. As such, the LED illuminated changes in imagery would introduce a potentially harmful distraction for road users travelling south along Askern Road to already complicated highway arrangements with a resultant increased risk of accidents and, therefore, an unacceptable detrimental impact upon highway and pedestrian safety.
12. I have taken into account that, in addition to the standard conditions, the appellant has suggested a condition to restrict the level of illumination to thresholds contained in the Institute of Lighting Professionals guidance document PLG05 as controlled by light sensor. Other conditions are suggested in terms of static images to be displayed only; changes between adverts to take place instantly, and advertisements to change no more frequently than once every ten seconds. The appellant has also indicated that content would be controlled and monitored in real time with most maintenance issues dealt with remotely. Further potential conditions have also been suggested in terms of requiring the sign to be switched off between 00:00 and 05:00 hours and to further limit the illumination during hours of darkness to 100cd/sq.m. However, to my mind, the regular changing of imagery in this location could distract road

users at other times of the day and even at lower levels of brightness and therefore, the unacceptable detrimental impact on highway and pedestrian safety could not be adequately mitigated by these measures. As such I find that the proposal could not be made acceptable through use of conditions.

13. In reaching the above findings I have also noted that the Transport for London document 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (March 2013), sets out guidance in relation to the siting and operation of digital advertising which is aimed at minimising potential distraction. Associated calculations are provided and seek to demonstrate that a minimum display duration of five seconds would be appropriate for signage visible for approximately 65m to southbound traffic. However, the full document has not been provided and I cannot be certain that it provides unqualified support for all digital advertisements. In any case, the PPG advises that advertisements in locations where drivers need to take more care are more likely to affect public safety. In that context, I have found the regular changing of advertisement displayed to be unsuitable in the specific locational circumstances of this case.
14. I have taken account of evidence of a similar replacement sign in Warrington and the Axis Highways Technical Note dated October 2022 which, amongst other things, includes case studies of locations in Manchester (x3), Portsmouth and Bristol where LED signs have been in place for several years with little effect on the frequency and severity of accidents. Nonetheless, the evidence associated with those examples of similar signs in prominent positions within heavily trafficked locations do not lead me to consider that they replicate the specific circumstances and highway arrangements of the location subject of this appeal or the harm to public safety that I have identified.
15. I conclude that the proposed advertisement would harm public safety, due to its potential to cause distraction and an increased risk of accidents which reflects an unacceptable impact on highway safety. Whilst the development plan policies are not determinative, the proposal conflicts with the aims of Policy 49 of the LP insofar as relevant to public safety considerations. It would also conflict with the aims of the Framework and the PPG in that respect.

Other Matters

16. The appellant has identified benefits of the proposal including: an overall reduction in adverts; reduction in vehicle trips for reposting adverts; reduced waste; the ability to broadcast emergency messaging and non-commercial campaigns; opportunities for more locally relevant advertising, and potential to integrate hardware to meet Smart City objectives. Whilst such benefits may arise and are typically associated with similar displays elsewhere, relevant considerations under the Regulations are limited to the impact on issues of amenity and public safety. I have found that the proposal is harmful and unacceptable in relation to matters of public safety and it follows that the appeal should not succeed.

Conclusion

17. For the reasons given above, I conclude that the proposed advertisement would harm public safety and therefore, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR