



Appeal Decision

Site visit made on 7 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 JANUARY 2024

Appeal Ref: APP/P4415/Z/23/3328410

175 Effingham Street, Rotherham S65 1BL

- 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 for the display of an advertisement.
 - The appeal is made by Wildstone Estates Limited against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0908, dated 30 June 2023.
 - The advertisement proposed is display of an illuminated digital advertising hoarding.
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Decision

1. The appeal is allowed and express consent is granted for the display of the internally illuminated advert with LED flex face to the front of the building as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the conditions set out below:
 - 1) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
 - 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m².
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².
 - 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds.
 - 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Procedural Matter

2. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

3. The main issue is the effect of the advertisement on public safety.

Reasons

4. The appeal site is located adjacent to the A633 St. Ann's Road and Effingham Street roundabout. The proposed digital advertisement would replace three existing advertisement hoardings. The busy roundabout provides access to commercial, retail, leisure premises etc and is within the urban environment.
5. Uncontrolled pedestrian crossing points comprising dropped kerbs and tactile paving exist on Effingham Street and Erskine Road close to the give way lines on each approach to the junction.
6. The proposed illuminated digital advertisement would comprise a static advertisement image which would change approximately every 10 seconds. There are a number of advertisements in the area, predominantly associated with businesses, this is not uncommon for an urban environment.
7. The National Planning Practice Guidance confirms 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. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
8. The proposed advertisement is adjacent the roundabout at the junction of St Ann's Road and Effingham Street, the illumination and changing static images would be obvious to road users. Notwithstanding this it would not be unusual to see such an advertisements in the urban environment, especially in light of the variety of signage in the vicinity of the appeal site and when the existing lighting apparatus within the area is considered. I observed during my site visit that the advertisement would be viewed against the backdrop of a large industrial unit within a commercial area.
9. A Highway Safety Report produced by AXIS has been provided by the Appellant which confirms that a review of the local accident records has been undertaken using data obtained from CrashMap for a five-year period (2017-2021). The record shows that there have been 4 accidents in close proximity of the existing billboard during the 5-year period, all of which resulted in slight injury.
10. The Council confirm that the exiting roundabout in its current layout and form, which includes the existing billboard advertisements is not considered a site of concern with regard to its collision record.
11. Drivers advancing towards the roundabout would in general approach with caution, at slower speeds to use the roundabout correctly. Whilst the advertisement would change images which would attract the attention of

motorists, these would be static images with little difference to a traditional non-digital externally illuminated image.

12. I observed during my site visit that a digital advertisement is located on the exit of the roundabout, the A633, towards the nearby retail park. I have not been provided with any substantive evidence to suggest that this advertisement is detrimental to public safety.
13. I am not persuaded that the proposed advertisement would constitute a source of distraction to motorists, to such a degree that there would be a detriment effect on the safe flow of traffic and pedestrian safety.
14. I conclude that the display of the proposed illuminated digital advertising hoarding would not harm public safety.
15. I have taken into account policy SP60 of the Rotherham Local Plan, Sites and Policies (2018) which seeks to ensure that advertisements do not cause a hazard to pedestrians or road users and so is material in this case. Given I have concluded that the proposal would not harm public safety, the proposal does not conflict with this policy.
16. I find no conflict with the Framework or the National Planning Practice Guidance which seeks to protect places from poorly sited and designed advertisements.

Conclusion

17. The appeal is allowed and consent granted for the display of the illuminated digital advertising hoarding on the terms set out in the Decision.

C Pipe

INSPECTOR