



Appeal Decision

Site visit made on 22 November 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd February 2024

Appeal Ref: APP/A1015/Z/23/3322766

Chesterfield Trade Centre, Sheffield Road, Whittington Moor, S41 8LS

- 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 Paul Hardy, Vivid Outdoor Media Solutions (A) Ltd against the decision of Chesterfield Borough Council.
 - The application Ref CHE/23/00090/ADV, dated 13 February 2023, was refused by notice dated 20 April 2023.
 - The advertisement proposed is a freestanding 1 x 48 sheet led illuminated display panel.
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Decision

1. The appeal is allowed and express consent is granted for the display of the freestanding 1 x 48 sheet LED illuminate display panel 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 following additional conditions: -
 1. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2.
 2. No individual advertisements displayed shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signals.
 3. The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 1 second or less.
 4. The advertisement display shall at all times contain a feature that will turn off the screen (i.e. show a black screen) in the event of an error or malfunction.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area (amenity); and the effect of the proposal on highway safety.

Reasons

Character and Appearance/Amenity

3. The appeal site is situated in a predominantly commercial area on Sheffield Road. Sheffield Road is a busy main route which leads to and from the town

- centre. Existing signage contributes to the area's commercial appearance, including various displays on buildings and freestanding signs on site frontages.
4. The proposal is to erect a digital display as described in the heading above. It would be sited in a prominent position on the frontage of Chesterfield Trade Centre, which provides trade and retail sales of plumbing, electrical and tiling goods. The proposed display would contain changing static images and the intensity of illumination would not exceed 300cd/m².
 5. Whilst the Council accepts that advertising in commercial areas is generally acceptable, it considers that the proposal (which is unrelated to any of the businesses on the site) would result in a proliferation of adverts and a cluttered appearance to the streetscene. It also points to the proposed display being larger than other signs in the locality and, therefore, it would be a visually dominant feature at a point where it considers that the character of Sheffield Road changes, due largely to the backdrop of landscaping planted along the frontage of the nearby football stadium.
 6. The Council refers to various Development Plan policies in both its officer report and the decision notice. However, proposals for advertisement display are determined with regard to amenity and public safety. The provisions of the Development Plan are not determinative. Nevertheless, they provide useful background in understanding the Council's reasoning.
 7. The Council also makes reference to other appeal decisions for advertisements in the area, which have been dismissed. Furthermore, it disagrees with an appeal decision, which allowed an advertisement display on the frontage of the nearby football ground (referenced by the appellant – APP/A1015/Z/22/3298938). I accept that decisions have been mixed, but this points to the argument that each proposal should be considered on its individual merits.
 8. I acknowledge that the proposed display will be clearly visible in the streetscene due to its position and size. However, in the context of the commercial character of the area and the existence of other advertisements locally, I am not persuaded that the streetscene would appear cluttered or that the character or visual amenity of the area would be unduly harmed.
 9. Paragraph 79 of the Planning Practice Guidance advises that when assessing amenity, consideration should be given to local characteristics. I have assessed the proposal on this basis and for the reasons given above, I conclude on this issue that the proposal is acceptable.

Public Safety

10. The Council's decision notice states that the proposal gives rise to public safety concerns due to its scale and siting and the potential for distraction to road users when approaching the nearby junction. I acknowledge that the proposed display would be a prominent feature to drivers and other road users when approaching from the town centre direction. I also noted that the nearby signal-controlled junction was relatively busy at the time of my site visit, which was on a midweek afternoon.
11. However, the Highway Authority (Derbyshire County Council) raised no objection, subject to conditions. I have also attributed weight to the appellant's supporting submission which points to advertisement displays on

main roads being common and to the accident data provided by Crash Map, which shows a low level of incidents in the area.

12. The above factors, plus the distance between the proposed display and the junction and the fact that it would only be clearly visible from one direction, lead me to conclude that the risks to highway (public) safety would not be unacceptable.

Conditions

13. Consent for the display of advertisements is subject to five standard conditions. Neither the Council nor the appellant has suggested any additional conditions, although the Highway Authority did put forward suggestions/recommendations. Notwithstanding the reservations expressed by the Council's Planning Officer, in my opinion, these conditions are reasonable, necessary and enforceable and are in the interests of both amenity and public safety. Consequently, I have imposed these in my decision.

Conclusion

14. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR