



Appeal Decision

Site visit made on 17 January 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/J4423/Z/23/3330013

156 St Mary's Road, Sheffield S2 4AX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Paul Hardy on behalf of Vivid Outdoor Media Solutions (A) Ltd against the decision of the Sheffield City Council.
 - The application Ref 23/01918/HOARD, dated 9 June 2023, was refused by notice dated 9 August 2023.
 - The advertisement proposed is the installation of 1 x 48 sheet free-standing advertising display panel, (measuring 6.4m wide X 3.4m high and comprising pressed metal frame and sealed LED screen).
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Decision

1. The appeal is allowed and advertisement consent is granted for the installation of 1 x 48 sheet free-standing advertising display panel, (measuring 6.4m wide X 3.4m high and comprising pressed metal frame and sealed LED screen) at 156 St Mary's Road, Sheffield S2 4AX. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The luminance levels shall be restricted to 300 candelas per square metre during hours of twilight and darkness.
 - 2) The screen display shall not contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous, with no visual effects including swiping or other animated transition methods between successive displays.
 - 4) The advertisement display screen shall be turned off and/or show a black screen in the event that the display experiences a malfunction or error.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
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Main Issues

3. The effect of the proposed advertisement on visual amenity.

Reasons for the Recommendation

4. The appeal site is within the car park of a bar and restaurant on a busy route through the city centre. The area is commercial and industrial with some student accommodation nearby. It includes a range of fascia and freestanding signs, some of which are illuminated. The proposed digital advertising screen would be erected next to the side elevation of the restaurant and be visible to those travelling eastbound along St Mary's Road.
5. The streetscape is varied and includes large, modern, functional commercial, industrial and residential buildings. The busy character of the road and the high frequency of transport using it, together with the fascia signs and advertisements, all contribute to a distinct vibrancy, within which the proposed advertisement would not look out of place.
6. The display would show static images that would change at intervals of not less than 10 seconds and the level of illumination could be regulated by condition. I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the well-lit nature of the road and the presence of commercial and industrial premises, some of which contain illuminated shopfronts and other illuminated advertising.
7. The part of the display unit that would project beyond the angled elevation of the restaurant it would be viewed against would only be visible from those using the beer garden of the restaurant. The limitation of this visual effect would accordingly limit any perceived harm. It would be unreasonable to resist the proposals on that ground alone.
8. The site lies outside the Cultural Industries Quarter Conservation Area, but the appeal scheme would be visible from within it. The historic nature of the buildings and architectural interest contribute positively to its significance. The installation would also be visible from the grade II listed Truro Works Building. In both cases, setting is a factor albeit the above context remains relevant and contextual to any perceived harm to each asset. The immediate area is close to a busy modern road junction and the installation would be in amongst modern buildings. Its height, overall scale and degree of separation from each asset would not be sufficiently significant to have an adverse effect on settings.
9. The advertisement would not therefore cause harm to the amenity of the area. Insofar as it is material to the main issue, it would thus comply with Policy B13 of the Sheffield Unitary Development Plan 1998 which states that large poster advertisements will only be permitted if they would not harm the character or appearance of an area. The proposal would also not conflict with the guidance in paragraph 141 of the National Planning Policy Framework 2023 (the Framework).

Conditions

10. I have considered the suggested conditions having regard to the tests set out in the Framework and have made changes where necessary for clarity and precision.

11. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. The Council suggested a condition to limit the luminance of the display to 300 candelas per square metre at all times, while the appellant states that the display would be limited to this level during hours of twilight and darkness. It has not been demonstrated that any exceedance of 300 candelas per square metre during daylight hours would cause any harm to visual or residential amenity or highway safety and therefore it would not be necessary or reasonable to require such a condition.
12. The Council's suggested condition also requires the display panel to be fitted with a light sensor in order to adjust the brightness of the digital screen when ambient light levels change. However, the proposed screen would already incorporate this feature. It would therefore not be necessary to include this as a condition. I have however included a condition requiring the display to be turned off and/or show a black screen in the event that it experiences a malfunction or error in the interests of completeness and to reduce the possibility of distraction.

Conclusion and Recommendation

13. For the reasons given above, I recommend that the appeal should be allowed, and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis I allow the appeal subject to the conditions set out above.

John Morrison

INSPECTOR