



Appeal Decision

Site visit made on 27 February 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2024

Appeal Ref: APP/A1015/Z/23/3326199

The Old Station, Station Road, Whittington Moor, Chesterfield, S41 9AW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Vivid Outdoor Media Solutions (A) Ltd against the decision of Chesterfield Borough Council.
 - The application Ref is CHE/23/00026/ADV.
 - The advertisement proposed is 1 x 48 sheet freestanding LED illuminated advertising display unit, measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Advertisement Regulations require that proposals for advertisement consent should be assessed in terms of their effect on amenity and public safety. Policies in the development plan should be taken into account, but only insofar as they are material to these considerations.
3. Policy CLP20 of the Chesterfield Borough Local Plan 2020 seeks to ensure high standards of design in new development, so is relevant to consideration of visual amenity. Policy CLP22 includes consideration of highway safety, so is also relevant. The Advertisements Supplementary Planning Document (2007) includes specific guidance on proposals for advertisements so is also a material consideration in this appeal.

Main Issues

4. The main issues are:
 - i) the effect of the proposed advertisement on the visual amenity of the area,
 - ii) the effect on public safety.

Reasons

Visual amenity

5. The proposed digital display would be sited in front of a vegetated railway embankment facing Station Road, a busy main road through Old Whittington. The area surrounding the appeal site is predominately commercial in character, with a number of car and vehicle showrooms, but there are also residences

- close by, including a small development of bungalows just off Brimington Road North.
6. Illuminated and non-illuminated signage is common in this area, notably the banner flags, fascia and solid vertical signs displayed at the nearby car and bicycle showrooms. Advertisements in the area are generally associated with existing businesses, and large scale, standalone digital displays such as the sign proposed are not currently a feature of the area.
 7. The lack of similar signage in the wider area is not in itself a reason to dismiss the appeal. The Planning Practice Guidance¹ (PPG) suggests that a large poster-hoarding might be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways). In this case, the area is predominately commercial with main roads a dominant feature, but even so, much of the built development remains human in scale. Many of the surrounding buildings are not particularly large, and the small group of bungalows opposite, set behind a wide grass verge with a treed backdrop, demonstrate the mixed character of this area. As such, the character of the surrounding area differs from the example described in the PPG.
 8. I note that a 48-sheet paper hoarding, which would have been similar in size to the sign now proposed, was displayed at the appeal site for a number of years. Whilst that may not have attracted any complaints, the digital format of the sign now proposed, with regularly changing images, would be significantly different, and more noticeable, than the previous paper sign.
 9. The level of brightness of the proposed display would be controlled in line with industry best practice, and the sign could be switched off completely at night to avoid disturbing the sleep of nearby residents. Even so, in low light and dark conditions, when the sign was operating, the proposed digital display would appear much brighter, and would be more obvious, than the other advertisements in the area. The raised position of the sign, which would be set on 2.5m steel supports, would further increase its prominence.
 10. When viewed from the nearby bungalows, the proposed digital sign would be seen in the context of the car showroom opposite, but would also be viewed against the area of greenspace and stone memorial cross in front of the houses. The appearance of the display would be softened to some extent by the vegetated railway embankment behind, but the bright, highly commercialised digital images would be at odds with the simplicity of the stone cross in its green setting.
 11. The display would replace an existing small advertisement at the site, so would not increase visual clutter. However, even on this well-lit street, and despite the presence of existing advertisement nearby, the proposed large format digital display would appear overly prominent and out of character. The bright, digital format of the display would fail to respect the character of the area, so would not meet the requirements of Local Plan Policy CLP20.
 12. Reference has been made to similar digital display which was recently allowed on a site on Sheffield Road, Whittington Moor². From the information provided, it appears that, unlike the appeal before me, the Sheffield Road site was almost wholly commercial, characterised by large buildings such as the Stadium and

¹ Paragraph: 079 Reference ID: 18b-079-20140306

² Appeal ref APP/A1015/Z/22/3298938

Glass Yard developments. The scale and nature of the surrounding development means that the Sheffield Road case was markedly different from that of the appeal before me, which is in an area of smaller scale buildings with a mix of uses.

13. The sign consented at Shepcote Lane, Sheffield³ appears to have some similarities with the current appeal in terms of the advertisement history at the site; the nature of the display and the siting on a railway embankment. However, the submitted photo shows that the Shepcote Lane sign would be sited on a major dual carriageway, which appears very different in character from Station Road. The examples cited do not, therefore, give a reason to allow the appeal proposal.
14. For the reasons set out, I conclude that the proposed digital display would cause unacceptable harm to the visual amenity of the area. In coming to this conclusion, I have taken account of paragraph 141 of the National Planning Policy Framework, which says that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

15. The proposed sign would face towards traffic travelling in a northerly direction along Station Road, but the road is straight in this location and the sign would be set back from the highway. The sign would be positioned in front of the railway bridge, but drivers would have passed it well before the road narrows.
16. The digital display would be sufficiently far from the A61 roundabout so as not to cause a significant distraction to vehicles exiting onto Station Road. Whilst it would be visible to traffic turning onto Station Road from Brimington Road North, that is not a particularly complicated junction, and the display would not interfere with any traffic signs. The sign would be clearly visible to drivers and other road users, but digital displays are common in urban areas and I have no reason to consider that the proposed advertisement would be particularly distracting here.
17. The Council's highways officer made no objection on safety grounds, subject to the imposition of conditions to control the brightness of the display and the transition between static images. On the basis of the information provided, including accident data provided by the appellant, I have no reason to come to a different view.
18. I conclude that, with suitable controls in place, the proposal would be acceptable in terms of public safety. However, this lack of harm does not overcome the concerns I have identified in relation to visual amenity.

Other Matters

19. The appellant has referred to various social and economic benefits for the local community, but I am only able to consider the proposal in terms of its effect on amenity and public safety.

³ Planning application ref 22/01219/HOARD

Conclusion

20. The proposed display would cause harm to visual amenity. The appeal is therefore dismissed.

R Morgan

INSPECTOR