



Appeal Decision

Site visit made on 17 March 2024

by Alison Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/J4423/Z/23/3333625
113- 121 Gower Street, Sheffield, S4 7SG

- The appeal is made under Regulation 17 of the Town and Country Planning Act (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 Sheffield City Council.
 - The application Ref 23/02632/ADV, dated 3 August 2023, was refused by notice dated 5 October 2023.
 - The advertisement proposed is the upgrade of 1x existing 48 sheet advert to support digital poster and removal of 1x existing 48 sheet advert.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) has been updated since the parties' appeal submissions were made. However, as the revisions do not affect the matters under consideration in this appeal, it was not considered necessary to seek further comment.
3. At the time of the application the parties agreed that the x2 48 sheet adverts at the site benefitted from deemed consent having been in place for a number of years. One was proposed to be removed and the other upgraded to digital display. On my site visit I noted the previous advertisements and the fencing on which they were sited have been removed. The steel fence supports remain.
4. The Council's reason for refusal refers to the proposal conflicting with its development plan saved policy BE13 of the Sheffield Unitary Development Plan (1998) and paragraphs 111 and 136 (now paragraphs 115 and 141) of the National Planning Policy Framework (the Framework). However, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan into account insofar as it is relevant, and the Framework, they have not been decisive considerations in my determination of this appeal.

Main Issue

5. The parties agree that the effect on amenity could be dealt with by conditions. I have no reason to disagree. The main issue is therefore the effect of the proposal on public safety.

Reasons

6. The appeal site is on land at Gower Street (B6080 local distributor road) opposite the rear of the brass Founders Warehouse, approximately 2 kilometres north east of Sheffield City Centre. The appeal site is approximately 70 metres west of a five arm roundabout where Gower Street meets Sutherland Street (B6082) and Carlisle Street East (B6083). There is a junction to Sorby Street in close proximity to the proposed advertisement. On my site visit I observed parked vehicles on both sides of Gower Street as a feature together with a number of individual vehicular accesses to commercial units. The surrounding land is primarily in commercial and light industrial use. There are other billboard advertisements in the area.
7. The proposal is for a x48 sheet digital display advertisement to be positioned 2.5 metres above ground, to display six static campaigns at a 10 second rotation.
8. The Council's Highway Officer is concerned that the proposed site for the advertisement is not within the general field of vision of a motorist and would require a motorist to take their eyes completely off the road ahead to assimilate the information on the digital display. There is a junction to the left with Sorby Street and a motorist should be able to focus on this junction without undue distraction from a prominent digital display with changing images. I agree with this assertion.
9. Gower Street is a straight road. However, on my site visit I noted a number of parked vehicles, vehicular accesses, and the junctions with Carlisle Street and Sorby Street. At the time of my visit the road was busy and used by a number of cyclists and pedestrians. Viewing the advertisement display, even momentarily would be a particularly dangerous distraction, diverting attention from driving, and could cause a driver to be unaware of parked vehicles, pedestrians crossing, cyclists, or vehicles emerging from nearby junctions/accesses, thereby creating conditions prejudicial to highway safety. I find that these factors cumulatively present hazards that require a motorist to take more care and demand full focus.
10. My attention has been drawn to accident data which indicates there has been one accident resulting in serious injury on this stretch of road between 2017 and 2021, at a point where the original advertisement poster would have been partially visible.¹ I do not consider this evidence in itself demonstrates that the road conditions in 2024 do not present hazards that require a motorist to take more care.
11. My attention has also been drawn to the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (March 2013) (TfL Guidance). This document is endorsed by TfL and provides information and guidance relating to digital display advertisements. When approaching the proposal westbound the advertisement is first visible to a motorist at approximately 90 metres distance. The guidance advises that to mitigate

¹ Highway Technical Note 01 (Oct 2023), Appellant's Statement of Case.

distraction from digital displays the change between static images should be swift. Using the formula within the TfL Guidance² the static image should remain on screen for at least 7 seconds so that it is less likely to change during the time a vehicle passes it. In my opinion this would not however eliminate a switch between images from happening as motorists pass/approach the LED advertisement.

12. Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention and proposed advertisements at points where drivers need to take more care are more likely to affect public safety. This includes at junctions or other places where local conditions present traffic hazards. PPG also states illuminated signs including those utilising light emitting diode technology can affect public safety.³
13. Overall, I find that the proposed advertisement would unacceptably affect public safety by causing distraction to motorists in an area where the cumulative number of nearby accesses, junctions, parked vehicles, pedestrians and cyclists require more care and attention to be taken.

Other Matters

14. My attention has also been drawn to other examples relating to similar proposals, including accident data.⁴ The full details of the examples are not before me, and I cannot therefore consider to what degree they may be comparable to the case before me. Those in different areas have their own unique contexts, and as such have limited bearing on my consideration of this appeal. In any event, I have considered the appeal proposal on the basis of the evidence before me and my own observations.
15. It is averred that if allowed, there will be other benefits such as the reduction in vehicle trips to change posters, the ability to broadcast emergency messages, or non-commercial campaigns and the potential to limit the degree of illumination or frequency of change of advertisement by condition.
16. Neither these potential benefits or the proposed conditions would overcome the harm I have identified would occur to public safety by way of distraction to motorists.

Conclusion

17. For the reasons given above, I conclude that the display of the advertisement would be detrimental to public safety and the appeal should be dismissed.

A Hartley

INSPECTOR

² At paragraph 3.2.12 of the Appellant's Statement the calculation appears to contain a typographical error and should read 90 metres, not 70 metres. This does not affect the result which is 6.7 seconds.

³ Planning Policy Guidance paragraphs 067 and 068.

⁴ Case Studies in the Appellant's Statement: Paisley Rd, Glasgow; Station St, Portsmouth; St Philips Causeway, Bristol; Mancunian Way/Princess Rd Roundabout, Manchester; Mancunian Way/Chester Rd Roundabout Manchester;