



Appeal Decision

Site visit made on 9 January 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/J4423/Z/23/3324433

Existing advertising site at London Road, Sheffield S2 4LP

- 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 Thomas Johnston (JCDecauxUK) against the decision of Sheffield City Council.
 - The application Ref 22/04496/HOARD (Formerly PP-11769268), dated 14 December 2022, was refused by notice dated 26 May 2023.
 - The advertisement proposed is described as "removal of existing advertisements, followed by the installation of an internally illuminated digital display".
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Decision

1. The appeal is allowed, and express consent is granted for the removal of existing advertisements followed by the installation of an internally illuminated digital display at existing advertising site at London Road, Sheffield S2 4LP in accordance with application ref 22/04496/HOARD, dated 14 December 2022. 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 screen hereby permitted shall display static images only. It shall not contain moving images, animation, video or full motion images, audio or any images that resemble road signs or traffic signals.
 - 2) The minimum display time for any advertisement on the screen hereby permitted shall be 10 seconds and the change between advertisement images shall be instant with no sequencing, fading, swiping, or merging of images.
 - 3) The screen hereby permitted shall not exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2023 during daylight (dawn to dusk).
 - 4) The screen hereby permitted shall not exceed a luminance of 300cd/sqm during the hours of darkness and shall be switched off between the hours of 23:00 and 06:00.
 - 5) Prior to the first use of the screen hereby permitted, the existing three advertisements shall be removed.

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.

Preliminary Matters

3. I have taken Policies BE13 and H14 of the Sheffield Unitary Development Plan (UDP) into account as material considerations where relevant. Powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.
4. There is nothing before me to indicate that the existing signs have express consent although the evidence suggests they have been in place for more than ten years. Whether or not they benefit from a consent is not a matter for me to consider here. Nevertheless, the Council is aware of their presence, and the proposal would be a replacement for them. I am thus satisfied that no party would be prejudiced by my consideration of the appeal on the same basis.

Main Issue

5. The Council has raised no concerns regarding public safety in this case and I have no reason to disagree. The main issue is therefore the effect of the proposal on the visual amenity of the area, with specific regard to the occupiers of the flats at 'The Peaks'. PPG advises that amenity, in the context of the control of advertisements, includes aural and visual amenity but it does not extend to living conditions. I have therefore approached this appeal in relation to how residents would experience the advertisement in visual amenity terms.

Reasons for the Recommendation

6. The appeal site is located on the western side of London Road, close to the junction of London Road with St Mary's Gate, in an area identified by the Council as a District Shopping Centre. The site is currently occupied by three large advertisements that are set back from the road and extend across most of the width of the building 'The Peaks'. The proposal would be a single sided unit that would be visible when travelling south on Lond Road. It would also be visible from St Mary's Gate, close to the junction with London Road.
7. Notwithstanding the large size of the proposal, its type of illumination and elevated position, it would be viewed in the context of significantly higher, more prominent, and colourfully clad contemporary buildings. Thus, it would relate well in scale and design and would not appear garish when viewed within the predominantly commercial environment. The proposal would also be seen in the context of other signage, shopfront and fascia signs advertising the commercial businesses on London Road. Some of which are also illuminated. Furthermore, it would occupy considerably less space than the advertisements that it would replace. The proposal would therefore result in less visual clutter.
8. The scheme would be at an angle with the building and would have significantly less a projection along the elevation of 'The Peaks' than the existing installation. It would be viewed in the context of London Road/ St Mary's Gate. In these views, which in the evening particularly would be marked by passing car headlights and the traffic lights located nearby, the proposed advertisement's scale and luminance would neither be obtrusive or prominent. Particularly as the appellant is willing to accept a condition limiting the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

illumination to 300cd/m² during the hours of darkness and for the screen to be switched off between the hours of 23:00 and 06:00.

9. Given the siting of the advertisement display in relation the 'The Peaks' and the restrictions that can be imposed through conditions, the intensity of light would be suitably controlled. The scheme would not therefore affect the outlook of the occupiers of the 'The Peaks' to such a degree that would be harmful in terms of visual amenity. Accordingly, taking this and the above into account, the proposal would not be out of keeping with its surroundings or cause unacceptable harm to the visual amenity of the area. I have taken into account the Council's cited policies. Since the proposal would not harm visual amenity, the development does not conflict with them.

Conditions

10. The appellant has suggested the imposition of various conditions, in addition to the five standard conditions, to control the movement, transition, and timing of the images, as well as the luminance level of the advertisement and the interval of hours when the screen is turned off. These would be reasonable and necessary in the interests of how the screen would interact with its surroundings. A condition requiring the removal of the existing three advertisements prior to the first use of the internally illuminated digital display is also necessary, as this reflects the aims proposal and ensures there would be no excess clutter. I have adapted the suggested wording in the interests of clarity and enforceability.

Recommendation

11. For the reasons given above, the proposal would be acceptable under the Regulations. I therefore recommend the appeal be allowed, subject to the standard and additional conditions set out.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed in the circumstances set out.

John Morrison

INSPECTOR