



Appeal Decision

Site visit made on 17 April 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Appeal Ref: APP/J4423/Z/24/3336844

Holiday Inn Express, Blonk Street, Sheffield S1 2AB

- 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 Graeme Hughes of Alight Media Ltd against the decision of Sheffield City Council.
 - The application Ref 23/02969/HOARD, dated 14 September 2023, was refused by notice dated 20 November 2023.
 - The advertisement proposed is described as "Installation of 2 x 48 sheet freestanding LED illuminated advertising display units in 'double-sided' format and mounted on a two-legged support structure, with each of the 48 sheet digital display screens 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 allowed and express consent is granted for the installation of 2 x 48 sheet freestanding LED illuminated advertising display units in 'double-sided' format and mounted on a two-legged support structure, with each of the 48 sheet digital display screens measuring 6.4m in width x 3.4m in height and comprising a pressed metal frame and sealed LED screen, at the Holiday Inn Express, Blonk Street, Sheffield S1 2AB in accordance with the terms of application, Ref 23/02969/HOARD, dated 14 September 2023. The consent is subject to the 5 standard conditions set out in the Regulations and the following additional conditions:
 1. The maximum level of illumination shall be no more than 300 c/m² during hours of darkness (dusk until dawn). The level of luminance of the advertisement display shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within the limits set by this condition.
 2. The advertisement display shall contain, at all times, a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
 3. The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 4. No individual advertisement shall be displayed for a duration of less than 10 seconds and the transition between advertisement images shall take place over a period no greater than one second.

Procedural Matters

2. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the policy context in respect of the main issues.
3. The Regulations¹ and the Framework state that advertisements should be subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest². The statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to this appeal, although the setting of a listed building is likely to be a relevant material consideration when considering the effect on 'amenity'.

Main Issues

4. The main issues are the effect of the advertisement on a) the amenity of the area; and, b) public safety.

Reasons

Amenity

5. The appeal site forms part of the car park of the Holiday Inn Express, which has a flat topography and open nature. The car park sits at a lower level than the adjacent Derek Dooley Way, which is a main transport route at this edge of city centre location. The River Don, runs adjacent to the site which has a footpath adjacent and pedestrian bridge crossing the river. While there is a general sense of openness to the site itself, large commercial buildings are dominant in the immediate context, including the adjacent Holiday Inn Express.
6. The Royal Victoria Hotel, retaining wall and approach ramp are together a Grade II listed building. The significance of the building is derived from its architectural and historic interest. This includes the arched design of the approach ramp and its coursed stone construction. The Framework's definition of 'setting' is the surroundings in which a heritage asset is experienced. Despite the introduction of modern development within its context, including the Holiday Inn Express and other development nearby, it remains a building of notable scale and importance. It therefore has an extensive setting, which includes the road network in its foreground.
7. The Royal Victoria Hotel is an imposing building, located on the opposite site of Derek Dooley Way to the appeal site. The approach ramp to the hotel crosses Derek Dooley Way, and part of the ramp, which includes four arches, address the Holiday Inn Express car park. This façade of the approach ramp visually encloses the car park, and is visible from the adjacent highway network, and footpaths along the River Don. The extent of the ramp can be fully appreciated from Furnival Road, where its length and multiple arches are viewed together.

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

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

8. The appeal site shares characteristics with the open expanse of the road network, across which views of parts of the listed building are appreciated. The digital display would be sited some distance from the hotel between which is a wide transport route and landscaping. The display is modest in scale, and its distance from the hotel, along with intervening features, would mean that in this context the hotel would remain prominent. Therefore, I find that it would not visually compete with the hotel building itself, or erode its setting.
9. The display would be sited at the opposite side of the car park from the exposed arches of the approach ramp. Due to the flat topography across the car park, the display would obscure views of the ramp, particularly from Derek Dooley Way, and the footpaths adjacent to the River Don. However, in this context the Holiday Inn Express is dominant adjacent to the ramp, while commercial buildings to the rear can be seen projecting above the ramp. The distance of the display from the ramp, along with its modest scale, means that affected views would be limited to a small number of vantage points, while the ramp would not be completely obscured in these views. Furthermore, the tall buildings in the area would remain dominant in this context, while the more sensitive façade of the ramp, adjacent to Furnival Road, would not be affected by the display. For these reasons, I find that the appreciation of the listed building would not be significantly diluted to result in harm to its setting.
10. The site lies adjacent to a busy transport route, and there are few adverts in the vicinity, except for relatively discreet business signage on buildings. The display would be illuminated and contain changing images. Nevertheless, I consider that the location of the site within close proximity of the Holiday Inn Express and other large commercial buildings, would enable the proposed advertisement to assimilate within their context without appearing prominent or incongruous. Therefore, the wider visual amenity of the surrounding area would not be harmed by the advertisements.
11. Accordingly, I conclude that the proposed advertisements would not be harmful to the amenity of the surrounding area. I have taken into account the provisions of Policies BE13 and BE19 of the Sheffield Unitary Development Plan 1998 (the UDP); and Policy CS74 of the Sheffield Development Framework Core Strategy 2009, so far as they are material to this particular main issue, in accordance with the Regulations. Given that I have concluded that the proposal would not be harmful to the amenity of the area, it would accord with these policies. The proposal would also accord with paragraph 141 of the Framework in this respect.

Public Safety

12. Derek Dooley Way is a well-lit, four-lane dual carriageway with wide central reservation, and pavements on either side. Signal controlled junctions are located to the east, at the junction with Furnival Road, and to the west at the junction with the Wicker. From the Wicker, Derek Dooley Way bends slightly, with an access to a commercial premises located before the road crosses the River Don. In the opposite direction, the approach from Furnival Road towards the appeal site is relatively straight.

13. The Planning Practice Guidance³ (the PPG) states that all advertisements are intended to attract attention, and those at points where drivers need to take more care are more likely to affect public safety. These include junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. Furthermore, the PPG advises⁴ that the main types of advertisement which may cause danger to road users are those which are illuminated; those which could be mistaken for, or confused with, traffic lights; and, those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.
14. Digital advertisements of the size and form proposed are commonly experienced along the urban transport network and, having regard to the PPG, are not unusual in nature. Therefore, under normal driving conditions in an urban environment, such advertisements are unlikely represent a distraction to motorists.
15. The siting of the display is such that there would be clear forward visibility of the signs in both directions along Derek Dooley Way. The display would be sited some distance from the Wicker and Furnival Road and, as such, would not be a major distraction when approaching or negotiating those nearby junctions. Furthermore, the display would be sited within a commercial locality, against the backdrop of large buildings and would assimilate into the urban environment. In this context, the display would not be mistaken for a traffic signal, road sign or the headlights of vehicles travelling in either direction.
16. The display would attract attention, however, as I note above road users would have good forward visibility, and clear sight lines of the nearby junctions, signals and road signage. The appellant has suggested additional conditions⁵ which, include, amongst other things, a restriction on the types of moving images that the PPG identifies as potentially more dangerous. As such, and with controls on its display, I find that the proposal would not result in harm to public safety.
17. For these reasons, I conclude on the second main issue, that the proposed advertisements would not be harmful to public safety. I have taken into account the provisions of Policy BE13 of the UDP, so far as material to this particular main issue, in accordance with the Regulations. Given that I have concluded that the proposal would not be harmful to public safety, it would accord with this policy. The proposal would also accord with paragraph 141 of the Framework in this respect.

Conditions

18. In addition to the 5 standard conditions, I have considered those suggested by the appellant. These seek to control the level of luminance, to require a cut out in the event of malfunction, to control the frequency of image change, and to ensure that images remain static. I agree that these are necessary to

³ Paragraph: 067 Reference ID: 18b-067-20140306

⁴ Paragraph: 068 Reference ID: 18b-068-20140306

⁵ Contained within the Planning Statement, prepared by Chris Welbourne, dated 14 September 2023

safeguard public safety and in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for preciseness.

Conclusion

19. In conclusion, the proposal would not have a harmful effect on the amenity of the area or on public safety. As such, and for the reasons given above, the appeal is allowed, subject to the conditions specified.

D Cleary

INSPECTOR