



Appeal Decision

Site visit made on 12 September 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/J4423/Z/24/3345499

Bus shelter fronting Berkeley Precinct, Ecclesall Road, Sheffield S11 8PN

- 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 Mr Kevin Oldland of Alight Media Ltd against the decision of Sheffield City Council.
 - The application Ref is 24/01018/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form cited '451 Berkeley Precinct, Tesco Stores Ltd, Ecclesall Road.' I have instead used the address from the decision notice and the appeal form, as this provides more clarity of location.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The proposal is for the display of a 6 sheet sized advertising panel within one end of a replacement bus shelter. The shelter itself could be erected through permitted development rights. For the avoidance of doubt, my determination is based only on the effect of the advertising panel.
5. The site comprises a simple, clear glazed panelled bus shelter structure, with no existing advertisement within it. This sits within the pavement on the southern side of Ecclesall Road, a heavily trafficked arterial route. It predominantly comprises shop and business frontages at street level, with interspersed dwellings on its northern side, and the Berkeley Precinct and car park behind the appeal site. Street trees on both sides of the road soften and frame the built form. Overall, it has a thriving and busy retail and commercial character, with a Local Shopping Area designation in the Sheffield Unitary Development Plan (UDP).
6. The immediate environment around the appeal site is already relatively cluttered with street furniture, comprising 2 precinct totem signs, an illuminated digital freestanding advertising panel, multiple car park and traffic

signs, a tall telecommunications mast with ground level cabinets, bins, charity clothing bins, bike stands, lighting columns, and traffic lights. There is also the precinct expanse of parked cars, and illuminated and non-illuminated fascia signage on the commercial properties.

7. The appellant argues that the proposed advertisement would be effectively incidental, due to this existing commercial character, and its incorporation within the bus shelter. While it may have limited individual prominence in this context, the creation of additional bulky massing into this proliferation of streetscene clutter would be cumulatively harmful. This is particularly so because at medium and close range it would create a full pavement width view of advertising, in conjunction with the freestanding unit and the totem sign very close to its east. Commercial signage is currently restricted to the back of the pavement or on buildings, and therefore adding an additional point of colour and interest into the front of the pavement would be intrusive, and unduly intensify the sense of clutter.
8. The advertisement's overall prominence would be further heightened due to its illumination and degree of animation, particularly during hours of low natural light or darkness. This prominence could not be sufficiently mitigated by the suggested conditions, which include restrictions on the display and transition of images, and on illumination levels. This is despite end of bus shelter advertising being generally commonplace over the past few decades, and with LCD digital panels being increasingly so as the most up to date technology.
9. The bus shelter in this location previously incorporated advertising prior to 2011. However, as many years have passed without its presence, I do not find this to be material to my assessment of the site's current context.
10. Overall, the proposed advertising panel would have a harmful effect on the visual amenity of the area. In accordance with the Advertisement Regulations, I have taken into account the provisions of the development plan so far as they are relevant to visual amenity. Policy BE13 of the UDP requires advertisements to not harm the character or appearance of the area, and to relate in scale and design to their surroundings. Policy S10, amongst other matters, requires new development in shopping areas to be well designed and of a scale and nature appropriate to the site.
11. Paragraph 135 of the National Planning Policy Framework ('the Framework') (2023) requires developments to add to the overall quality of the area, and be sympathetic to local character including the surrounding built environment and landscape setting. Paragraph 141 identifies that the quality and character of places can suffer when advertisements are poorly sited and designed. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with the UDP Policies BE13 and S10, and with the Framework.

Other Matters

12. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion.
13. The appellant suggests the proposal would bring benefits of increased attractiveness of public transport, and funding and maintenance of bus shelters directly from the advertising income. It would also generate business rate income, display urgent messaging or promote local events and businesses, and

increase sustainability due to fewer vehicle trips and poster use. Outdoor advertising is also identified as being vital to employment and commerce as a service and commercial activity. Digital advertisements are suggested to be more in keeping with the image of a modern major city, and which help mitigate against flyposting.

14. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety, taking into account the provisions of the development plan in so far as they are material, and any other relevant factors. Alongside the Framework and the Planning Practice Guidance, there is therefore no indication that any of these suggested benefits can be taken into account.

Conclusion

15. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panel would be detrimental to the interests of visual amenity, and therefore the appeal is dismissed.

L N Hughes

Inspector