



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/24/3345493

Bus shelter adjacent to Tesco, Savile Street, Sheffield S4 7UD

- 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 24/01019/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decision

1. The appeal is allowed and express consent is granted for the display of the double sided digital 6 sheet advertising panel, at Bus shelter adjacent to Tesco, Savile Street, Sheffield S4 7UD, in accordance with the terms of the application, Ref 24/01019/HOARD, dated 21 March 2024. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and the conditions set out in the Schedule at the end of this decision.

Main Issue

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

Reasons

3. The appeal site hosts a simple, glazed panelled bus shelter structure, with no advertising panel within it. 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.
4. Savile Street is a heavily trafficked arterial dual carriageway, incorporating a hardstanding middle verge and a bus layby. The appeal shelter is set within the relatively wide northern pavement.
5. Vistas are dominated by the adjacent large format Tesco building and car park, and the tall modern office building and bulky car park opposite the site. Along with a few street trees to both sides of the road, self-seeded vegetation growing up the Tesco multi-storey car park behind the shelter acts to somewhat soften the hard urban massing. However, the overall character is of a relatively busy and modern commercial area. The Sheffield Unitary Development Plan (UDP) designates it as a Fringe Industry and Business Area.

6. The closest part of the Tesco building is a slightly taller glazed entrance core facing onto Savile Street. Although the Tesco frontage contains no illuminated advertisements, internal lighting would spill out from the entrance core, and combine with that from its car park.
7. In this context, I find that the small-scale nature of the proposed advertisement would only have limited individual prominence. Although accentuated by its illumination and changing images, particularly during hours of low natural light or darkness, this would not be so isolated within the streetscene so as to draw undue attention. This prominence could also be mitigated by the suggested conditions, which include restrictions on the display and transition of images, and on illumination levels.
8. Furthermore, the predominant juxtaposition of the advertisement would be against the dominance of the surrounding buildings and the wide expanse of highway and associated infrastructure. In this instance therefore, its size and digital illumination would not be of such a magnitude so as to cause a harmful impact, or unduly intensify the existing commercial context. Nor would its additional bulk cause a cumulative cluttering effect within the streetscene.
9. I note the much larger freestanding digital advertisement display screens sited further along Savile Street in both directions. However, due to their distance and different context, I do not find these to be of direct consequence.
10. Overall therefore, the proposed advertising panel would not harm 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. The UDP Policy BE13 requires advertisements to not harm the character or appearance of the area, and to relate in scale and design to their surroundings.
11. Paragraph 135 of the National Planning Policy Framework ('the Framework') (2023) also 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 not harm visual amenity, it complies with the UDP Policy BE13 and with the Framework.
12. Advertisements are subject to 5 standard conditions. Additional conditions have been suggested relating to restrictions on luminance, visual effects, and minimum display timings. I have imposed these in the interests of visual amenity, with some modification for better clarity.

Other Matters

13. The Council references that the resulting reduced visibility through the shelter would potentially lead to an increase in antisocial behaviour, which may have security implications for the neighbouring cycle stands. This is inferred to affect public safety, although was not directly cited as a reason for refusal. However, no local antisocial behaviour issues have been highlighted to me, and there would be generally high natural surveillance of the site due to its position adjacent to the busy Tesco store. I therefore do not find this issue to be so site specific or definitive, to require me to dismiss the appeal.

14. 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. I note the interested party representation which includes concerns over highway safety matters. However, the Highway Authority confirmed that they had no objection, and the Council has not refused the proposal on highway grounds. I make the same conclusion. Alongside the Framework and the Planning Practice Guidance, there is no indication that other concerns raised can be taken into account, including matters such as the type of advertising content, whether the advertisement would be necessary, or energy consumption.

Conclusion

15. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panel would not be detrimental to the interests of visual amenity, and therefore the appeal is allowed.

L N Hughes

INSPECTOR

APPEAL: APP/J4423/Z/24/3345710

SCHEDULE OF CONDITIONS

- 1) The sign shall display static images only, and no individual advertisement display shall at any time contain moving images, animation, intermittent or full motion video images, audio, or any images that resemble road signs or traffic signals.
- 2) The minimum display time for each advertisement shall be 10 seconds, and the advertisement shall not include any features which would result in sequencing of messages and advertisements relating to the same product.
- 3) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without visual effects. The display shall include a mechanism to freeze the image in the event of a malfunction.
- 4) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than that recommended by the Institute of Lighting Professionals 'Professional Lighting Guide (PLG 05) Brightness of Illuminated Advertisements' (or its equivalent in a replacement Guide).

END OF SCHEDULE