



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 A Ref: APP/J4423/Z/24/3345710

Bus shelter north side of Ecclesall Road/Moore Street, Sheffield S11 8JB

- 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 24/01083/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Appeal B Ref: APP/J4423/Z/24/3345709

Bus shelter junction of Ecclesall Road/Moor Street and Clarence Lane, Sheffield S11 8HY

- 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 24/01168/HOARD.
 - The advertisement proposed is a double sided digital 6 sheet advertising panel.
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Decisions

1. Appeal A is allowed and express consent is granted for the display of the double sided digital 6 sheet advertising panel at Bus shelter north side of Ecclesall Road/Moore Street, Sheffield, S11 8JB, in accordance with the terms of the application Ref 24/01083/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 Appeal A Schedule at the end of this decision.
2. Appeal B is allowed and express consent is granted for the display of the double sided digital 6 sheet advertising panel at Bus shelter junction of Ecclesall Road/Moor Street and Clarence Lane, Sheffield S11 8HY, in accordance with the terms of the application Ref 24/01168/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 Appeal B Schedule at the end of this decision.

Preliminary Matters

3. These appeals concern 2 bus shelters on opposite sides of the road. I have dealt with each appeal on its own individual merits, although to avoid duplication I have primarily dealt with aspects together in my reasoning. Both appeals had the same reason for refusal.
4. For Appeal A, the address stated on the application form is 'Bus shelter 0404-0108 37023459 Moore Street South of Hanover Way'. The decision notice address is 'Shelter where Ecclesall Road meets Moore Street', and the appeal form cites 'Bus shelter Moore St by Eccleshall Road.' For best clarity I have used the address of 'Bus shelter, north side of Ecclesall Road/Moore Street'.
5. For Appeal B, the address stated on the application form is 'Shelter 29m from 133 Ecclesall Road 8m from A625'. The decision notice address is 'Shelter 29m from 133 Ecclesall Road', and that on the appeal form is 'Bus shelter 133 Eccleshall Road.' For best clarity I have used the address of 'Bus shelter, junction of Ecclesall Road/Moor Street and Clarence Lane'.

Main Issue

6. The Council has not highlighted any potential harmful impact to public safety, and I make the same conclusion. The main issue for both appeals is therefore the effect of the proposed advertisement on the visual amenity of the area.

Reasons

7. Each appeal site hosts a simple, glazed panelled bus shelter structure, which incorporates an internally backlit double sided paper poster display to one end. The proposal for each site is for the display of a 6 sheet sized advertising panel within one end of a replacement bus shelter. The shelters themselves could be erected through permitted development rights. For the avoidance of doubt, my determination is based only on the effect of the advertising panels.
8. The shelters lie to either side of Ecclesall Road, close to the roundabout junction with the inner ring road. It is a heavily trafficked arterial route, being 5 lanes wide at this point plus a middle fenced hardstanding verge, and a bus layby on the southern side. The Appeal B shelter sits within the southern pavement, with a cycle lane running behind and with additional access roads and parking infrastructure also along this extent. The Appeal A shelter sits at the back of the northern pavement, on the edge of a grassed area and in front of a mature tree belt.
9. These trees filter views of the mid-rise residential blocks behind, and in combination with other trees on the southern side and on the roundabout, act to somewhat soften the harder urban massing. Notwithstanding this, the overall character impression is of a busy and modern edge of city centre commercial area, active at ground floor and framed by mid to high-rise buildings.
10. The sites lie near to the Porter Brook Conservation Area (CA). The Advertising Regulations identify that factors relevant to amenity include the presence of any feature of historic or architectural interest. The Council considers that the proposed advertisements would not have any harmful effects on the CA, due to the separation distance involved, and the predominantly modern character of this portion of the CA. I make the same conclusion, including that the closest identified 'building of townscape merit' is beyond an intervening building.

11. The appellant identifies the bus shelters to be a well-established location for advertising panels. Express consent evidence has not been provided, but I am satisfied that they have deemed consent, being present for more than 10 years and potentially since the 1990s. The Council considers that their presence should be disregarded, due to the option of taking discontinuance action to secure their removal if it was deemed expedient to do so. However, to my mind this does not sufficiently indicate that the Council does have the specific intent to take such action. My determination has therefore included their contribution to the area's existing character.
12. The new advertising panels would be slightly wider than those on the current shelters, with a bulkier design as part of their incorporation within the frames. This would lead to some increased prominence, accentuated by their illumination and changing images, particularly during hours of low natural light or darkness.
13. However, they would not be so isolated within their existing context so as to draw undue attention. Brightness would be perceived relatively similarly as to that at present, and conditions could restrict maximum brightness, moving content, and frequency of image change. Furthermore, and despite the setting of the Appeal A shelter against the trees, the predominant juxtaposition of the advertisements would be against the highway infrastructure and the dominance of the surrounding buildings. In this instance therefore, their increased size and digital illumination would not be of such a magnitude so as to cause a harmful impact compared to the existing advertisements.
14. I find similarly regarding the potential cumulative effect. The advertisements would not become the tipping point whereby additional bulk in the street clutter would cause harm. They would not unduly intensify the commercial context to the detriment of the green surroundings.
15. I note the freestanding digital advertisement display screens within the pavements approximately 100m to the west along Ecclesall Road. However, I find these to be too distant and in a different context, to be of direct consequence.
16. Overall therefore, the proposed advertising panels 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 Sheffield Unitary Development Plan (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.
17. 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 proposals would not harm visual amenity, they comply with the UDP Policy BE13 and with the Framework.
18. 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.

Conclusion

19. For the reasons given above, I conclude that the double sided digital 6 sheet advertising panels would not be detrimental to the interests of visual amenity, and therefore both Appeal A and Appeal B are allowed.

L N Hughes

Inspector

APPEAL A: 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

APPEAL B: APP/J4423/Z/24/3345709

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