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## Appeal Decision

Site visit made on 10 November 2020 by C McDonagh BA (Hons) MA MRTPI

**by Susan Ashworth BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 December 2020

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**Appeal Ref: APP/F4410/Z/20/3258186**

**The Pocket Sports Bar, Bank Street, Mexborough S64 9QD**

- 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 Trinity Media against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 20/01121/ADV, dated 24 April 2020, was refused by notice dated 30 June 2020.
  - The advertisement proposed is a digital advertisement board.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council has drawn my attention to Policies ENV25 and ENV58 of the Doncaster Unitary Development Plan (UDP) and Policies CS14 and CS15 of the Doncaster Core Strategy (CS) which it considers to be relevant to this appeal. I have taken these into account where relevant; however, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material; and (b) any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

### Main Issues

3. The main issues are the effect of the proposed advert on the visual amenity of the area, including the character and appearance of the Mexborough Conservation Area (MCA), and on public safety as it relates to road users.

### Reasons

#### *Visual Amenity*

4. The appeal site comprises a former cinema which now operates as a sports bar. It includes a grass verge to the rear, adjacent to the Greens Way dual carriageway. The proposal includes the erection of a V-shaped advertisement board on this grass verge which would be attached to a steel box structure

displaying two LED screens. The appeal site is located within the Mexborough Conservation Area (MCA).

5. The significance of the MCA is partly derived from its Victorian and early Edwardian architectural building styles. Building frontages are largely simple in form and prominent sites are uncluttered. At the rear, where elevations were not designed to be seen, their appearance is plain. This is reflected in the appeal building, which is defined as a Key Unlisted Building within the CAA and contributes positively to the character and appearance of the MCA.
6. The building is highly prominent on Greens Way, visible to motorists and, from adjacent footpaths, to pedestrians. The proposed advertisement, would also be highly visible given its position and its illuminated digital images that would change on a 10 second sequential rotation. Greens Way is largely free from the clutter of advertisements and as a result, the proposed advertisement would appear as a discordant and jarring feature.
7. Moreover, given that the rear elevation of the Pocket Sports Bar is largely devoid of detailing, the modern appearance of the advert unit would jar with, and thereby distract from, the simple form of the building and the MCA as a whole. Whilst I acknowledge that the rear elevation of the host building includes an existing advertisement, this is of timber frame construction with non-illuminated imagery related to the function of the host building. I have no information as to whether this advertisement has consent but nevertheless it is incomparable in terms of its visual impact, with the proposal before me.
8. I acknowledge that the rear elevation of the host building is not visible from within the main thoroughfare of the MCA on Bank Street. However, for the reasons set out above, the proposal would be a visually intrusive and highly prominent addition in the street scene along Greens Way and would fail to preserve or enhance the character or appearance of the MCA.
9. The appellant has proposed a condition to control the level of illumination. However, due to the above reasons this would not be sufficient to mitigate the harm I have identified. Moreover, while a reduction in scale is suggested I can only determine the appeal on the basis of the plans before me, on which the Council made its decision.
10. In terms of the approach set out in paragraph 193 of the Framework, great weight should be given to a heritage asset's conservation. Given the above, this proposal would cause less than substantial harm to the significance of the MCA. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced in this case.
11. As such, the public benefits would not outweigh the harm I have identified which carries great weight. As such, the proposal would conflict with policies CS14 and CS15 of the CS, policies ENV25 and ENV58 of the UDP and guidance in the Framework. Although not decisive, collectively these seek to ensure proposals protect or enhance the heritage significance of heritage assets.

#### *Public Safety*

12. The PPG states that all advertisements are intended to attract attention, with those which, because of their size or siting, would obstruct or confuse a road-

user's view more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated and subject to frequent changes of the display.

13. Greens Way is a largely straight section of road bypassing the town centre, although there is a slight bend in the approach from the roundabout at Doncaster Road. It has a speed limit of 40 miles per hour. However, as the appellant points out, due to the set back from the road, the advert would appear suddenly in a driver's view in both directions. While adverts of this type may be common near roads in the UK, the proposed advert would, due to its raised positioning and design, would be a discordant and overly distracting feature in this part of the highway. This would pose a risk to road users and harm public safety.
14. I note the reference to collision data for this area, which demonstrates there has been 2 incidents in the last 6 years. Whilst the full circumstances of these accidents is unknown, I note that one of these incidents was serious and that both occurred during the hours of darkness, a time when the proposed advertisement would be most distracting due to its illumination. It is suggested by the appellant that these figures are relatively low. However, for the reasons set out above, I am unconvinced that the advertisement would not cause a distraction to drivers.
15. For the above reasons, I conclude that the proposed advertisement would be harmful to public safety. Whilst I have had regard to the suggested standard and non-standard conditions, these would not overcome the harm I have identified.
16. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. The Council refers to policy ENV58, which seeks to ensure advertisements do not detract from public safety. Given that I have concluded that the proposal would harm public safety, in particular for road users, the proposal conflicts with this policy.

### **Recommendation**

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*C McDonagh*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*S Ashworth*

INSPECTOR