



Appeal Decision

Site Visit made on 12 January 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/F4410/Z/20/3265847

Kelham Street Cars Ltd, Kelham Street, Balby Carr, Doncaster DN1 3RE

- 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 Rob Smith (Alight Media Ltd) against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/02477/ADV, dated 10 September 2020, was refused by notice dated 2 December 2020.
 - The advertisement proposed is the installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high.
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Decision

1. The appeal is allowed and express consent is granted for the installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 6.2m wide x 3.2m high at Kelham Street Cars Ltd, Kelham Street, Balby Carr, Doncaster DN1 3RE in accordance with the terms of the application, Ref 20/02477/ADV, dated 10 September 2020. The consent is for five years from the date of this decision and 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) and 600 c/m² during daytime hours. 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.

Main Issues

2. The main issues are the effect of the proposed advertisement on the amenity of the area and on public safety.

Reasons

Amenity

3. The appeal site is positioned along a busy road, adjacent to a used car dealership at the junction of Kelham Street and close to the junction where Carr House Road joins the A630. The surrounding area is characterised by a mix of uses, including residential and commercial uses.
4. The proposed advertisement would be positioned in a prominent location along the main road. At this particular location, commercial buildings and associated signage are apparent and the proposal would be seen more with its commercial surroundings than the residential buildings in the area.
5. The design of the proposal, with its steel monopole, would allow some views either side below the main display. The appellant has stated that the display would not contain any moving images, animation, video or full motion images. The rate of image change and brightness of the advertisement could also be controlled by conditions, as put forward by the appellant.
6. Given the scale of nearby commercial buildings, the open aspect around the advertisement, its height relative to street lighting and overhead lines and controls of its display, the proposal would not appear obtrusive. The design would be functional, but in the context of its surroundings it would not appear as an incongruous feature.
7. Moreover, whilst there are adverts nearby, the area is not cluttered with signage. As such, the introduction of this single digital advertisement, given the spacing between other signs, would be such that the area would not appear cluttered.
8. I therefore find that, although the proposal would be clearly visible and in a prominent position, it would not harm the visual amenity of the area.

Public safety

9. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network. Consequently, having regard to the Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature'. Therefore, they are generally unlikely to be a distraction to road users in normal driving conditions. However, the Guidance also advises that public safety could be affected where advertisements are located, for example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge, level crossing or other places where local conditions present traffic hazards.
10. The Council advise that there has already been some level of incidents at the nearby junctions. However, the absence of precise details of the number or nature of those accidents limits the weight I attach to this. Although I have no firm details, I accept that there will be a high volume of traffic on the road network, particularly, along the A630 and Carr House Road. Safely navigating the junctions will require road users to be alert.
11. The advertisement would be clearly visible to road users travelling along the road. However, as outlined previously, it would not appear as an unusual

feature. Moreover, the junctions have simple layouts with good visibility and the proposal would not impede views of any road signage.

12. The appellant has suggested additional conditions which, include, amongst other things, a restriction on the types of moving images that the Guidance identifies as potentially more dangerous.
13. The advertisement would attract momentary attention. However, road users would have good forward visibility, clear sight lines of the junctions and road signage. As such, and with controls on its display, I find that the proposal would not result in harm to public safety.

Other Matters

14. The Council has cited several local policies in its reasons for refusal, including Policies ENV53 and ENV58 of the Council's Unitary Development Plan (1998) and Policy CS14 of the Council's Core Strategy (2012) as well as the National Planning Policy Framework. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, these matters have not, themselves, been decisive in my determination.
15. I have considered the arguments that any consent would set a precedent for similar advertisements in the surrounding area. However, each proposal must be determined on its own individual merits and a generalised concern of this nature does not amount to a reason to withhold consent.
16. The need for the advertisement display is not a matter before me.

Conditions

17. In addition to the 5 standard conditions, I have also imposed conditions as put forward by the appellant, to require a cut out in the event of malfunction, to control the frequency of image change, ensure that images remain static and to control the level of luminance. They are necessary to safeguard public safety and in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for preciseness.

Conclusion

18. 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.

Robert Walker

INSPECTOR