



Appeal Decision

Site visit made on 23 February 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/F4410/Z/20/3264901

Amenity Land, South East of Units, Merchant Way, Doncaster DN2 4BH

- 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 20/02469/ADV, dated 9 September 2020, was refused by notice dated 3 November 2020.
 - The advertisement proposed is 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 dismissed.

Procedural Matters

2. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies are not determinative, but I have taken them into account as a material consideration.
3. On the decision notice the site address is given as 'Amenity Land, South East of Units, Merchant Way, Doncaster DN2 4BH'. On the appeal form the site address is given as 'Wheatley Business and Trade Park, Wheatley Hall Road, Doncaster DN2 4BH'. On the original application form the site address is given as 'Street Record, Wheatley Hall Road, Clay Lane, Doncaster DN2 4BH'. Therefore, in the interests of clarity, I have used the site address as stated on the decision notice in the banner heading above.

Main Issues

4. The main issues are the effect of the proposed advertisement display on the visual amenity of the area and on highway (public) safety.

Reasons

5. The appeal site is located next to a large busy roundabout serving the intersection of Wheatley Hall Road (A630) and Barnby Dun Road. The A630 has two lanes in either direction with Barnby Dun Road for the most part having a single lane in both directions.

Visual amenity

6. Given its proximity to the roundabout and nearby footpath the proposal would be in a visually prominent location. However, given the nature of the surrounding uses

and the presence of other advertising displays nearby the proposal would not be an unusual feature in this location. Furthermore, given that there are not many similar advertisements near it, the proposal would also be unlikely to create or add to any visual clutter in the area.

7. I therefore conclude that the proposal would not have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy ENV58 of the adopted Doncaster Unitary Development Plan (UDP) and Policy CS14 of the adopted Doncaster Core Strategy (CS) seek to protect visual amenity and so are relevant in this case. As I have concluded that the proposed advertisement would not harm visual amenity, it would consequently also accord with these policies in this regard.

Highway safety

8. While on my site visit, I observed that the proposed display would be in a relatively prominent location on the highway near a very busy intersection and that as a result it would be a necessity for a driver to pay full attention to the other traffic and pedestrians in the vicinity in order to navigate this intersection in a safe manner.
9. There are currently no advertising displays at the appeal site location with only an empty metal frame being in place there. The proposal would remove this empty frame and replace it with a large digital screen which would have static images that would change approximately every 10 seconds. Consequently, given the proposal's width, height, and location close to the busy roundabout, which is served by several equally busy junctions, the proposed illuminated digital display screen would be likely to cause drivers using the roundabout to be distracted.
10. Furthermore, the fact that the proposed screen would introduce a new element to the visual field of nearby drivers means that it would be reasonable to think that it would potentially cause more distraction to drivers using the junction than what is there currently. Moreover, while I acknowledge that the appellant's evidence shows that there have been approximately four slight traffic accidents near to the roundabout, one of these was adjacent to the location of the proposal with the three others being at locations where vehicles would be approaching it. Consequently, I find that the proposal would be likely to potentially cause similar and perhaps additional traffic accidents in these locations.
11. I also acknowledge that the appellant's evidence shows that a similar proposal near to the magic roundabout in Swindon did not appear to cause any additional accidents over a twelve-month period. However, that advertisement display was not directly facing oncoming traffic using two lanes as the proposal would. Moreover, the evidence also shows that all the slight traffic accidents at that roundabout were all located on the opposite side of it to the permitted advertisement display, meaning that its potential impact on the attention of drivers was perhaps more limited in these respects. In any event I have determined the appeal scheme on its own merits.
12. Additionally, whilst the guidance provided for Transport for London that the appellant has cited suggests that digital advertising is likely to be acceptable provided that the images are only static poster like displays and levels of illumination are controlled, it seems to me that even so, proposals should be considered on a site by site basis.

13. I also note that the study of drivers' reactions to digital advertising (the Brunel study) does not offer very conclusive evidence of the impact of electronic advertising and that the study is not very recent. However, the study does show that electronic displays do often attract more visual attention than other signs and concludes overall that advertising has adverse effects on driving performance and driver attention, nonetheless.
14. In any event, it seems to me to be self-evident that any increase in distraction for a driver would not be in the best interests of highway safety. Electronic signs are designed to change display at regular intervals which could also reasonably be an added potential distraction as the eye would be naturally drawn to a changing scenario. It therefore seems valid to conclude that roadside advertising can be detrimental to performance and pose a distraction for drivers, since that is their purpose. It also seems reasonable to conclude that digital displays, because of their particularly eye-catching nature, have the propensity to potentially cause greater or longer distraction.
15. Taking this matter in the round I am therefore not satisfied that the location of this proposed digital advertisement is such that it would not cause undue risk to public safety. I am also not satisfied that the imposition of conditions restricting the frequency and rate of change of the advertisements, or the level of brightness, would overcome the fundamental difficulties the proposal would likely cause by potentially increasing the tendency for a driver to be distracted at this busy intersection.
16. Therefore, based on the evidence before me, I conclude that the proposal would have a harmful effect on highway (public) safety. In accordance with the Regulations, I have considered the provisions of the development plan so far as they are relevant. Policy ENV58 of the UDP, and Policy CS14 of the CS seek to protect highway (public) safety and so are relevant in this case. As I have concluded that the proposed advertisement would harm highway (public) safety, it would consequently also conflict with these policies.

Other Matter

17. In support of the appeal scheme the appellant has referred to another scheme for a similar advertisement that has been granted planning permission. However, I do not have all the details of this case before me or the circumstances which led to that decision being made. In addition, the circumstances applicable to that scheme (site location and context in relation to the local highway network) are not the same as those presented in this case, which I have determined on its own merits. The existence of a similar development proposal elsewhere does not outweigh my findings in respect of highway safety above.

Conclusion

18. The lack of harm caused by the proposal in relation to visual amenity is not of sufficient weight to outweigh the harm I have identified in relation to highway (public) safety. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR