

## Appendix A

Appeal by Vivid Outdoor Media Solutions Ltd

Chesterfield Trade Centre, Sheffield Road, Whittington Moor,  
Chesterfield.

CHE/23/00090/ADV

1. Planning permission was refused on 20th April 2023 for a free standing 48 sheet LED illuminated display panel at Plumbco. The reasons for refusal were:

*The proposed installation of a digital advertising display of this size and at this location is considered to be harmful to the character and amenity of the site and wider locality. The proposal would result in harm to the visual amenity resulting from the cumulative impact of advertisements within the locality. In addition, the proposal would be over dominant within the street scene and would raise concerns regarding public safety by virtue of its scale and siting and the resulting potential for distraction to road users in relation to the public highway on the approach to a junction. This harm to amenity and public safety is contrary to the provisions of the NPPF (para 136), Local Plan Policy CLP20 relating to visual amenity, Policy CLP22 in relation to highway safety, and the Advertisements Supplementary Planning Document.*

2. An appeal against the decision has been determined by the written representation appeal method and has been allowed.
3. The main issues were the effect of the proposal on the character and appearance of the area (amenity); and the effect of the proposal on highway safety.

### *Character and Appearance/Amenity*

4. The appeal site is situated in a predominantly commercial area on Sheffield Road. Sheffield Road is a busy main route which leads to and from the town centre. Existing signage contributes to the area's commercial appearance, including various displays on buildings and freestanding signs on site frontages.
5. The proposal was to erect a digital display sited in a prominent position on the frontage of Chesterfield Trade Centre, which provides trade and retail sales of plumbing, electrical and tiling

goods. The proposed display would contain changing static images and the intensity of illumination would not exceed 300cd/m<sup>2</sup>.

6. The Council accepted that advertising in commercial areas is generally acceptable, it considered that the proposal (which is unrelated to any of the businesses on the site) would result in a proliferation of adverts and a cluttered appearance to the streetscene. It also pointed to the proposed display being larger than other signs in the locality and, therefore, it would be a visually dominant feature at a point where it considers that the character of Sheffield Road changes, due largely to the backdrop of landscaping planted along the frontage of the nearby football stadium.
7. The Council referred to various Development Plan policies in both its officer report and the decision notice. However, proposals for advertisement display are determined with regard to amenity and public safety and the provisions of the Development Plan are not determinative. Nevertheless, they provide useful background in understanding the Council's reasoning.
8. The Council also made reference to other appeal decisions for advertisements in the area, which had been dismissed. Furthermore, it disagreed with an appeal decision, which allowed an advertisement display on the frontage of the nearby football ground (referenced by the appellant – APP/A1015/Z/22/3298938). The inspector accepted that decisions have been mixed, but this points to the argument that each proposal should be considered on its individual merits.
8. The inspector acknowledged that the proposed display will be clearly visible in the streetscene due to its position and size. However, in the context of the commercial character of the area and the existence of other advertisements locally, he was not persuaded that the streetscene would appear cluttered or that the character or visual amenity of the area would be unduly harmed.
10. Paragraph 79 of the Planning Practice Guidance advises that when assessing amenity, consideration should be given to

local characteristics. The inspector assessed the proposal on this basis and for the reasons given above, he concluded on this issue that the proposal is acceptable.

### *Public Safety*

11. The Council's decision notice states that the proposal gives rise to public safety concerns due to its scale and siting and the potential for distraction to road users when approaching the nearby junction. The inspector acknowledged that the proposed display would be a prominent feature to drivers and other road users when approaching from the town centre direction. He also noted that the nearby signal-controlled junction was relatively busy at the time of his site visit, which was on a midweek afternoon.
12. However, the Highway Authority (Derbyshire County Council) raised no objection, subject to conditions. The inspector also attributed weight to the appellant's supporting submission which points to advertisement displays on main roads being common and to the accident data provided by Crash Map, which shows a low level of incidents in the area.
13. The above factors, plus the distance between the proposed display and the junction and the fact that it would only be clearly visible from one direction, lead the inspector to conclude that the risks to highway (public) safety would not be unacceptable.

### **Conditions**

1. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m<sup>2</sup>.
2. No individual advertisements displayed shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signals.
3. The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 1 second or less.
4. The advertisement display shall at all times contain a feature that will turn off the screen (i.e. show a black screen) in the event of an error or malfunction.