

Appendix A
Appeal by Mr G Smith (Alight Media)
Display of 48 sheet digital LED Advertising Unit, Lordsmill Street,
Chesterfield.
CHE/20/00460/ADV
2/3768

1. Planning permission was refused on 20th August 2020 for permission for a 48 sheet digital LED advertising unit facing Lordsmill Street roundabout for the following reasons:

Having regard to advise contained within para. 109/110 of the National Planning Policy Framework (NPPF) and para. 067 of Planning Practice Guidance it is considered that the provision of an advertisement unit would be a distraction to drivers on the adjacent highway where driver focus and concentration needs to be on the road/traffic situation. This is likely to increase the risk of collisions, which would be prejudicial to highway safety. The advertisement will therefore conflict with the highway safety provisions of policy CLP22 of the Adopted Chesterfield Local Plan 2018 - 2035, and the advice with in the N.P.P.F/P.P.G.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue was the effect of the proposed advert on public safety as it relates to road users. The advert was proposed to be located on a landscaped area adjacent to a car park serving commercial units. The local area is commercial in nature and the advert was designed to face a busy roundabout which links several arterial roads into and out of the centre. The proposed unit was of 48-sheet size and internally illuminated. It would be elevated by steel poles and display static digital imagery, although these are capable of being changed every 10 seconds.
4. The PPG states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care are more likely to affect public safety. This includes roundabouts, among other locations. Furthermore, the PPG advises that the main types of

advertisement which may cause danger to road users are those which are illuminated, where the means of illumination is directly visible from any part of the road and which are subject to frequent changes of the display. The advert would be located in a prominent position and, in line with its purpose, highly visible from the surrounding area. Luminance levels would fall within best practice guidance for brightness. However, the digital illumination would result in a visually incongruous feature that would stand out from the other, more modest, advertisements in the area and would be a dominant feature for drivers when approaching and entering the roundabout. This is despite not breaking the skyline. Given the minimum of 10 seconds between the changing of the advert display, albeit with limited transition time, this has the potential to distract motorists and create visual confusion, despite a lack of traffic signals on the roundabout itself.

5. Moreover, for drivers negotiating the roundabout, significant attention needs to be paid to lane arrangements and traffic conditions. Given its scale and illumination, the advert would be a distraction to the concentration that is required, particularly when approaching the roundabout exits to Lordsmill Street and Hollis Lane, where the advertisement would be highly visible.
6. The inspector acknowledged these types of advertisements are commonplace in many streetscapes in the UK, such as the example the appellant has drawn attention to. However, each proposal has its own site-specific circumstances. In this instance, while drivers are required to look to their right-hand side for an opportunity to enter the roundabout at the approaches from Markham Road and St Mary's Gate, the advertisement on the left may distract driver's attention in the opposite direction. As such, while they may be of a similar scale and near a busier road, they are not directly comparable to the proposal. Regardless, the inspector is required to form his own judgement and despite the existence of similar units in other locations it does not follow that, due to the harm identified, this appeal should be allowed.
7. For the above reasons, the inspector concluded that the proposed advertisement would be harmful to public safety as it relates to highway safety and pedestrians. Whilst the

inspector had regard to the guidance in paragraph 67 of the PPG and on page 28 of the 'Outdoor Advertisement and Signs: A Guide for Developers' and considered the suggested standard and non-standard conditions, these would not overcome the harm identified. In accordance with the Regulations, the inspector took into account the provisions of the development plan in so far as they are relevant. The Council referred to policy CLP22 of the LP, which states development proposals will not be permitted where they would have an unacceptable impact on highway safety. Given that the proposal would harm public safety, in particular for road users, the proposal conflicts with this policy.

8. The inspector took account of the fact that the proposal may bring some environmental and economic benefits. These include, when compared to traditional paper billboards, painted signs and banners: reduced energy consumption; easy recycling of component parts; and a reduced number of maintenance visits to site. The inspector was also informed of the contribution the advertisement sector makes to the economy as a whole. However, these matters would not outweigh the harm identified. Moreover, the Regulations require that the inspector exercises the powers only with regard to amenity and public safety.