



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.03.2024

Appeal reference: CAS-03209-D2L0P8

Site address: Castle Surgery, Prince of Wales Drive, Neath, SA11 3EW

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
 - The appeal is made by Mr Warren Milroy (Vivid Outdoor Media Solutions (C) Limited) against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2023/0837, dated 2 November 2023, was refused by notice dated 10 January 2024.
 - The advertisement proposed is installation of 2 x 48 sheet free-standing LED illuminated advertising display panels erected in back to back formation measuring 6.4 metres wide x 3.4 metres high and comprising pressed metal frame and sealed LED Screen.
 - A site visit was made on 22 February 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has referred to Policies SP20, SP21, BE1 and TR2 of the Neath Port Talbot Local Development Plan (LDP), adopted January 2016, which it considers to be relevant to this appeal. I have taken these policies into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the Council's policies have not, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed advertisement on: (i) the visual amenity of the area and (ii) public safety with particular regard to highway safety.

Reasons

Visual Amenity

4. The proposed advertisement display would be positioned on a grass verge at the edge of the Castle Surgery staff car park adjacent to a mini roundabout serving the surgery access, Prince of Wales Drive and Castle Street. The immediate area to the north, east and west of the site predominantly consists of two- and three-storey residential properties. To the south of the site along Prince of Wales Drive the area includes residential and commercial uses with some taller and larger buildings. The area includes examples of typical highway signage and some non-illuminated advertisements.

5. Technical Advice Note 7 'Outdoor Advertisement Control' (TAN 7), advises that poster panels should respect the scale of their surrounding location. I acknowledge the size of the panels would reflect those commonly used in roadside locations. However, the signs would be viewed in the context of a single carriageway road adjacent to residential dwellings and the doctor's surgery and not the larger commercial buildings to the south. The openness of the location would enable views of the signs from the north, south and west. Due to their height, along with the raised ground level, the display frame and panels would protrude above the roofline of the adjacent Castle Surgery building. In this setting, where roof heights are lower and buildings are of a smaller scale alongside pedestrian footways, they would be an overly large, incongruous feature of an inappropriate scale for the immediate area, which is more akin to a neighbourhood than the town centre.
6. The illumination of the signs would have a greater visual impact due to the changing images and colours, increasing their prominence. I acknowledge that the signs can be controlled to limit the light intensity, and conditions imposed on a number of matters including restricting the hours of illumination. However, this would not address the fact that the introduction of illuminated signs of this scale at any time of the day would conflict with the character of the immediate area, given the lack of existing illuminated signage. The signs would be intrusive and overly dominant features within the streetscene.
7. I accept that double sided displays can be more functional and aesthetically acceptable in open spaces, where both sides of the sign would be visible. However, in this instance it would result in the visual harm identified above to be readily apparent when approaching the proposed signs from both the north and south of Prince of Wales Drive. The fact that the signs would not obscure any significant architectural features or be oriented towards residential dwellings does not mitigate the adverse impact on the character and appearance of the immediate area, that would be caused by the size, position and illuminated nature of the proposal.
8. A previous appeal decision and two examples approved by the Council have been referred to in support of the appellant's case. I note that whilst there are similarities in terms of scale and design of the advertisements proposed with the appeal proposal, there are differences with regard to the surrounding built environment, highway and planning history, meaning that these cases are not directly comparable with the circumstances in this instance. As such, they cannot be regarded as a precedent and I have therefore decided the appeal on its merits taking into account the site-specific circumstances.
9. Overall, the appeal proposal would, due to its size, position, and illuminated nature, be harmful to the visual amenity of the area.

Public Safety

10. TAN 7 indicates that in assessing an advertisement's impact on public safety, regard should be given to its effect upon the safe use and operation of any form of traffic or transport on land, including the likely behaviour of vehicle drivers who will see the advertisement. The B4434 highway passing the appeal site is well lit and has good forward visibility due to its fairly straight alignment, allowing the sign to be visible to drivers as they approach from both directions. The sign would be sited adjacent to a mini roundabout serving the B4434 and several other exits, including Castle Surgery and its car park.
11. During my site visit, I observed a steady flow of traffic along the B4434 and using the roundabout, which accords with the Council's description of the highway as experiencing a high volume of traffic flows. In addition, there are pedestrian crossing points at each exit of the roundabout. Given the proximity to Castle Surgery and the pharmacy there are

likely to be a high number of pedestrians utilising these crossing points. Also, High Street car park is located on the opposite side of the road thereby generating further footfall from those visiting the surgery and surrounding area. As such, this location is busy with both pedestrian and vehicular traffic. The Highway Authority (HA) also highlight that the roundabout is utilised by many cars and heavy goods vehicles (HGV) undertaking U-turns given the highway restrictions in the area. I observed a number of vehicles making such manoeuvres during my site visit.

12. As such, the proposed sign would be located within an area where the presence of several junctions, significant levels of traffic and pedestrian movements requires highway users to be particularly attentive to the actions of others. The frequency of vehicles making U-turn manoeuvres, which may be unexpected by those less familiar with the local area, further adds to the need for caution.
13. I acknowledge that traffic speeds are generally within the speed restriction for the area and roadside advertisements are not uncommon in some environments. However, in this case, the large size of the sign, along with its illuminated nature and rotating images, would introduce an eye-catching and prominent feature that would have the potential to distract drivers and pedestrians and divert their attention away from other road users, in a location where the highway conditions demand particular vigilance. The result would be an increased risk of conflict between vehicles and pedestrians, thereby undermining highway safety.
14. I note the lack of recorded incidents based on CrashMap data over the period 2018 to 2022, however I do not consider that this justifies the increased risk of accidents which would result from the proposed development. With regard to research comparing the incidence of traffic accidents before and after the introduction of LED illuminated displays. I have not been provided with sufficient details to assess the applicability of any such findings to the case before me. I therefore afford this consideration little weight.
15. The fact that the displays would have static images, with no animation or special effects, and have an evening luminance level in accordance with the relevant guidance does not negate the harm arising from the siting, scale, illuminated nature and rotating images of the sign, nor would the appellants' suggested conditions address these fundamental concerns.
16. I conclude that having regard to the safe use and operation of the highway, the display of the advertisements would cause material harm to public safety interests.

Other Matter

17. The appellant states that outdoor advertising is vital to employment and commerce, and it provides a service to the public. Whilst such benefits are recognised in national policy, the contribution from one sign would be limited in scale and does not outweigh the significant harms I have identified in this instance. In any event, the Regulations require decisions to be made only in the interests of amenity and, where applicable, public safety.

Conclusion

18. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.
19. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is

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in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Z Baxter

INSPECTOR