



Appeal Decision

by C Sweet MPlan

an Inspector appointed by the Welsh Ministers

Decision date: 10/10/2024

Appeal reference: CAS-03616-H0P0T7

Site address: 1 James Street, Pontardawe, Swansea, SA8 4LR

- 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 Alight Media against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2024/0111, dated 13 February 2024, was refused by notice dated 16 May 2024.
 - The advertisement proposed is described as replacement of an existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display.
 - A site visit was made on 23 September 2024.
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Decision

1. The appeal is allowed and express consent is granted for the display of an illuminated 48-sheet digital advertisement display as applied for. The consent is for 10 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the additional conditions set out in the schedule to this decision letter.

Procedural Matters

2. The Council has referred to policies within the Neath Port Talbot Local Development Plan (2011-2026) it considers relevant and I have taken these into account as a material consideration. However, 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. As such, in determining the appeal, the Council's policies have not, by themselves, been decisive.
3. The application sought express consent for a period of 10 years and I have considered the appeal on that basis.

Main Issue

4. The parties have not raised amenity as an issue and given the evidence before me, I see no reason to conclude otherwise.
5. The main issue is therefore the effect of the proposed advertisement on public safety, with particular regard to highway safety.

Reasons

6. The appeal site is located on the side of an existing building at 1 James Street, close to the junction of the A474 Swansea Road, Herbert Street, High Street and James Street (the main junction). An existing externally illuminated, wall mounted 48-sheet advertisement panel is currently in place and the proposal seeks consent to replace it with a digital display panel of approximately the same size, shape and positioning.
7. At the time of my site visit mid-morning, I saw a steady flow of traffic approaching and navigating the main junction. Due to its layout, which includes no right turn into Herbert Street when approaching along Swansea Road and yellow box road markings, road users are required to pay reasonable care and attention when approaching and navigating the main junction.
8. Whilst the main junction carries a significant amount of traffic and is at times used by vehicles with abnormal loads, traffic speeds are generally moderate due to traffic volume and existing speed limits. The main junction is fully controlled by traffic lights, which are clearly visible when approaching from all directions and which, in combination with other clear road signage, serve to manage the flow of traffic and road user behaviour on approaches to the main junction. Particularly so when approaching along Swansea Road and from Herbert Street, where forward visibility of the traffic lights and road signage is good due to the generally straight alignment of the approaches to the main junction.
9. Visibility for road users exiting Works Road on to Swansea Road is limited by the scope of existing splays and users' movements when entering and exiting the lane adjacent to the St. James Medical Centre are constrained by its proximity to the traffic lights on Herbert Street. However, in both cases the prevailing road conditions encourage users to exercise care and manoeuvre cautiously, as is common in such situations. In combination with moderate traffic speeds on the roads being accessed, this serves to avoid any materially increased risk to highway safety at those points.
10. The main junction is well served by clearly marked pedestrian crossings on all four roads and Swansea Road has pedestrian guard rails at several points as it approaches the main junction. In combination with its light-controlled layout, these serve to alert pedestrians to the busy nature of the main junction and approaching roads and guide them to suitable crossing points. Due to the positioning of surrounding buildings, visibility around the junction for pedestrians is good and the visible and audible signals at the crossings alert pedestrians when it is safe to cross. It was clear from my site visit that they are regularly used.
11. The Council disputes the accident data provided by the appellant but has provided no further evidence to support its contention that the number of accidents around the junction has been higher than the appellant suggests. The Council also suggests that a larger radius from the junction should be applied when considering that data.
12. However, whilst I accept that such data may serve to illustrate the need for road users to exercise reasonable care and attention on approaches to the junction, in either case, the overall number of accidents in recent years is low, their locations dispersed and their severity slight.
13. Whilst it is possible that road user distraction may have been a contributory factor in those incidents, I have nothing to suggest that such distractions arose from the existing display panel or that there is an increased risk of accidents around the main junction or the junctions of the lane adjacent to the St. James Medical Centre and Herbert Street, and Works Road and Swansea Road.

14. Taking the above factors together, I am satisfied that the road conditions in the vicinity of the appeal site are not unusually challenging and do not demand more than reasonable care and attention from road users or pedestrians.
15. The positioning of the existing panel is such that it is not visible to road users when approaching the main junction along James Street from the north or along High Street from the northeast. Due to the presence of trees around the open pedestrian area close to the appeal building, the existing panel is only partially visible from close to the junction with Glan-Rhyd Road when approaching along Swansea Road, becoming fully visible from close to the junction with Works Road.
16. It is also visible at an oblique angle when approaching the main junction along Herbert Street, when entering and exiting the lane adjacent to the St. James Medical Centre and when exiting Works Road on to Swansea Road. Due to its positioning, when viewed from those points it does not obscure or hinder the ready interpretation of any road signs or traffic signals.
17. The existing panel is visible to pedestrians using the crossings on Swansea Road and Herbert Street and from several points around the main junction away from the formal crossing points.
18. The proposed panel's visibility and positioning would be the same as that of the existing panel, but it would be of a more modern appearance, would be continuously illuminated and its display would be changeable. It would therefore be more conspicuous than the existing panel and would have the potential to pose a distraction to road users and pedestrians if not properly controlled.
19. However, both parties have suggested additional conditions to control its illumination and operation, which I have considered in light of advice in Welsh Government Circular 16/2014 'The Use of Planning Conditions for Development Management'. I agree that conditions covering maximum luminance during daytime and nighttime hours and display controls to prevent the use or appearance of moving images are necessary in the interests of public safety.
20. I consider that the Council's suggested condition to control luminance provides greater clarity regarding permitted levels of luminance at different times of day. The Council's condition suggested to prevent the appearance of movement provides that images should fade to change. However, I consider that an instantaneous change would be more effective in limiting the appearance of movement. I also consider that a number of the suggested conditions should be amended in the interests of clarity and concision.
21. Subject to such conditions, I am satisfied that whilst it would attract momentary attention, the proposed panel would not dazzle or distract road users or pedestrians. Taking account of the highway conditions I have described above, I therefore find that the proposal would not result in harm to highway safety or public safety interests more generally.
22. I have considered the appeal decisions brought to my attention by the Council. Whilst there may be some similarities with the proposal before me in terms of the advertisements proposed, the road geometry and demands on road users in those cases were different, such that they do not provide a direct comparison. I have considered the proposal before me on its merits, in the particular circumstances of this case.

Conclusion

23. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be allowed.

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

C Sweet

INSPECTOR

SCHEDULE OF CONDITIONS

1. The minimum display time for each advertisement shall be 10 seconds.

Reason: In the interests of highway safety.

2. All displayed images shall be entirely static with no moving images, animation, video or full motion images, and no messaging spread across more than one screen image in sequence.

Reason: In the interests of highway safety.

3. The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement.

Reason: In the interests of highway safety.

4. The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 600 candela per square metre between the hours of sunrise and sunset or exceed 300 candela per square metre between the hours of sunset and sunrise.

Reason: In the interests of highway safety.

5. The advertising display panel hereby permitted shall have a default mechanism to freeze an advertisement in the event of any malfunction or error.

Reason: In the interests of highway safety.