



Appeal Decision

by Helen Smith BA(Hons) BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 13.03.2024

Appeal reference: CAS-03218-J5Q4D7

Site address: Land at Peniel Green Road, Llansamlet, Swansea, SA7 9BA

- 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 the City and County of Swansea Council.
 - The application Ref 2023/2376/ADV, dated 10 November 2023, was refused by notice dated 8 January 2024.
 - The advertisement proposed is the erection and display of two back-to-back LED displays of 3 x 6 metres.
 - A site visit was made on 29 February 2024.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposed advertisement upon a) the visual amenity of the area; and b) public safety, with particular regard to the safe use and operation of the highway.

Reasons

Amenity

3. The appeal site relates to a commercial premises in an otherwise predominantly residential area interspersed with significant green spaces and trees. This, together with the open nature of the forecourt of the petrol filling station and car sales premises, gives the appeal site's context a semi verdant open character. The existing advertisements at the commercial premises include small scale flag signs, forecourt signs and a tall slim totem sign. Other small scale signs are located on the building and on surrounding fencing. Whilst the petrol filling station building and canopy are large, they are set back from the highway, maintaining the openness of the immediate vicinity of the site. Owing to its location on a straight section of the A48, the appeal site is visible for some distance from both directions along the road. I note the presence of some nearby poster hoardings on gable ends of residential properties, however, these are not viewed in the context of the appeal site and do not generally inform the characteristics of the area.

4. Technical Advice Note 7: Outdoor Advertisement Control (TAN 7) advises that an application or appeal which involves the display of a poster is to be considered on its own merits with regard to the general characteristics of the locality in which it is to be displayed. Whilst it advises that that free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, this advice relates to hoardings in predominantly commercial areas. It advises that if a locality is in a mixed use, with shops or offices interspersed with residential development, or sharing the same premises in former dwellinghouses, some poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings, and designed and positioned so as not to intrude upon or interrupt existing features or landmarks.
5. The back-to-back displays would be large and positioned close to the back edge of the pavement, projecting forward of the front elevation of the adjacent building for a significant length. They would be significantly elevated above the adjoining carriageway and would be highly visible in the street from both directions. Due to the open nature of the immediate context of the site and their position at right angles to the road forward of the adjacent building, they would be visually prominent and incongruous features in the street, despite the standard size of the display and their location on a commercial premises. I recognise that the proposal would be close to existing signage, however, the existing signage on the commercial site are significantly smaller and less visually dominant. Irrespective of the time of day, the internal illumination and the rotation of the images would exacerbate the visual prominence of the advertisements. I acknowledge that the level of illumination and frequency of the change in images could be controlled, however, I am not persuaded that such controls would mitigate the identified harm. Consequently, due to their size, elevated position and visually prominent location, the proposed back-to-back displays would result in harmfully visually dominant and incongruous features in their otherwise semi verdant and open setting.
6. I conclude that the proposed advertisements would be harmful to the visual amenity of the area, contrary to TAN 7.

Public safety

7. TAN 7 indicates that in assessing an advertisement's impact on public safety, regard should be had 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.
8. Owing to its position on a long straight section of the A48, both sides of the display would be visible for some distance when traveling west and east bound. I saw that this road had a consistent flow of traffic. However, given the good forward visibility of the road and the 30mph speed limit, drivers approaching the site from both directions would have sufficient advance warning of vehicles slowing down or waiting to turn into the access/egress points of the commercial premises. Vehicles accessing or exiting these premises would be driving at low speeds to manoeuvre into and out of the sites. I note the appellant's evidence shows that the location of accidents in the vicinity of the site are confined to two incidents near the A48's junction with Station Road to the west, and two incidents near the junction with Frederick Place to the east. These incidents are some distance from the appeal site. I note that none are recorded in the immediate vicinity of the proposed displays or the access/egress points of the petrol filling station and car sales premises. Whilst the Council have referred to numerous police incidents in the vicinity of the site, no evidence of any other incidents is before me. Having regard to the evidence of accident records, and from my observations on site, the displays would not be located in an area with particular highway complexity.

9. Conditions could be imposed to limit the speed of rotation of images at all times and level of illuminance during the hours of darkness, when the illumination would be most apparent, such that it would not cause undue distraction to road users. For this reason and having regard to the characteristics of the highway that I have identified above, whilst the advert would attract their attention momentarily, drivers approaching the appeal site from both directions and those entering and leaving the commercial premises, would have sufficient time to absorb the advertisement and react appropriately, despite the rotating images and illuminance of the proposal and the east facing display being on the opposite side of the carriageway to the oncoming traffic. Although no Road Safety Audit has been carried out, having regard to the evidence before me, I find that the advertisement would not cause such a distraction to drivers that it would affect the safe use and operation of the highway.
10. For the reasons above, I conclude that the proposed advertisements would not cause any significant harm to public safety. However, this does not override the harm to the amenity of the area that I have identified.

Conclusion

11. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.
12. 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.

H Smith

INSPECTOR