
Appeal Decision

Site visit made on 19 April 2017

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th April 2017

Appeal Ref: APP/C1055/Z/17/3169656
Riverlights, Morledge, Derby, DE1 2AY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by MREF III Derby Riverlights Ltd against the decision of Derby City Council.
 - The application Ref DER/07/16/00842, dated 1 July 2016, was refused by notice dated 22 December 2016.
 - The advertisement proposed is a digital media advertising screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of the digital media advertising screen as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The intensity of the illumination of the digital media advertising screen permitted by this consent shall be no greater than 5000 candela.

Preliminary Matters

2. The application originally sought consent for a vinyl advertisement in addition to the media screen but this was withdrawn during the course of the application and this sign was not considered by the Council. For the avoidance of doubt, I have considered the appeal on the same basis.
3. After the Council had issued its decision, it adopted the Derby City Local Plan – Part 1, Core Strategy (January 2017) (CS). This replaced Policy GD4 of the Derby Local Plan Review (2006) (LPR). I have had regard to the adopted development plan policies so far as they are relevant to the appeal proposal in reaching my decision.

Main Issue

4. The main issue is the effect on amenity, including the character and appearance of the adjacent City Centre Conservation Area.

Reasons

5. The proposed digital media screen would measure 6.8m x 4.8m and be attached to a large glazed section of the appeal property, a modern commercial building containing a range of uses including hotels, a casino and the city's bus station. The building is located just outside of the City Centre Conservation

Area and is visible from a range of viewpoints out of the conservation area, including along East Street.

6. The proposed screen would be large and would become a prominent appendage to the building given its height and illumination, along with its intended purpose to draw attention. However, it would be located on a protruding element of the glazed section of the building and would be centrally located within it. This position would ensure that the screen fits comfortably on the building, appearing as an integral part of its design notwithstanding that it would not align with the frames of the glazing. I note that other advertisements are attached to the building but there are relatively few and the addition of the screen would not result in a proliferation or cluttered appearance.
7. The building is unashamedly modern in design and the proposed digital media screen would be compatible with this appearance. The building is located outside the conservation area and whilst views of the proposed screen would be possible from within it, this would be in the context of the modern building to which it is attached and the modern buildings opposing on the other side of Morledge. Furthermore, there are a number of modern advertisements on commercial properties within the conservation area, including illuminated ones.
8. In my view, there is a clear distinction between the historic part of the city contained within the conservation area and the appeal building and its immediate surroundings on its periphery. The screen would complement the modern elements of this part of the city. The fact that the screen would be visible from the conservation area is not in itself harmful and I do not consider that the character or appearance of it would be harmed. Nor would the setting of any listed or unlisted buildings within the conservation area, all of which are well separated and entirely different in their context and appearance.
9. I have had regard to Policies GD5, E18 and E26 of the LPR and policies CP4 and CP20 of the CS so far as they are relevant to amenity. However, as I have concluded that the proposal would not harm amenity, including the character and appearance of the area or heritage assets, I find no conflict.
10. In addition to the five standard conditions, the Council has suggested further conditions to ensure public safety. I have attached the suggested restriction on the intensity of illumination in accordance with guidance from the Institution of Lighting Professionals to ensure that the screen would not be unduly bright so as to dazzle passing drivers or pedestrians. However, I have not considered it necessary to require the ongoing monitoring and adjustment of the illumination subject to the maximum luminance being specified. The Council and the Highway Authority accept that the screen would not be prominent to passing drivers given its height and position parallel to Morledge. As such, I do not consider it necessary to attach conditions controlling the period of display, method of transition between images or permissible media because public safety would not be harmed regardless.
11. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR