



Appeal Decision

Site visit made on 7 October 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/B2355/H/19/3234210
628 Blackburn Road, Haslingden BB5 2SB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a condition imposed when granting express consent.
 - The appeal is made by Insite Poster Properties Ltd against the decision of Rossendale Borough Council.
 - The application Ref 2019/0208 is dated 16 May 2019.
 - The condition in dispute is No 3 which states that: *The minimum display time for each advertisement display shall be ten seconds and changes between images shall take place within 0.1 seconds or less with no fading, swiping or other animated transition. Displays shall not include moving images, animation, fine grain material (such as e-mail addresses or telephone numbers) or special effects of any kind (including noise, smoke, flashing, scrolling, intermittent or video elements).*
 - The reason given for the condition is: *In the interests of highway safety, in accordance with the requirements of Policy 24 of the Council's adopted Core Strategy DPD (2011).*
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Decision

1. The appeal is allowed and the advertisement consent Ref 2019/0208 for *Replacement of an existing 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display* at 628 Blackburn Road, Haslingden BB5 2SB granted on 27 June 2019 by Rossendale Borough Council is varied by deleting Condition 3 and substituting it with the following condition:
 - 3A) The minimum display time for each advertisement display shall be ten seconds and changes between images shall take place within 0.1 seconds or less with no fading, swiping or other animated transition. Displays shall not include moving images, animation or special effects of any kind (including noise, smoke, flashing, scrolling, intermittent or video elements).

Background and Main Issue

2. In May 2019 consent was granted to replace an existing 48-sheet advertisement display with an illuminated 48-sheet digital display on the gable elevation of 628 Blackburn Road (the A680).
3. The appellant seeks to remove reference to '...fine grain material (such as e-mail addresses or telephone numbers)...' from Condition 3 attached to this consent. The appellant considers that such material would not render any advertisement displayed detrimental to public safety.

4. Therefore, the main issue is whether Condition 3 is needed in order to protect public safety.

Reasons

5. The appeal advertisement would be located at first floor level on the gable elevation of 628 Blackburn Road, the easternmost building in a short terrace, which is used as a hot food takeaway at ground floor level.
6. The takeaway has a fascia sign and projecting sign on its front elevation facing onto Blackburn Road and a non-illuminated sign on the gable elevation to the side, just below the existing 48-sheet display that would be replaced by the appeal advertisement.
7. The gable elevation of No 628 faces generally eastwards towards a surface car park adjacent to Blackburn Road. The appeal advertisement would be readily visible to motorists travelling in a westerly direction along Blackburn Road, which is generally straight with regularly spaced streetlamps in this area.
8. The appellant is only concerned with part of the wording of Condition 3 - ‘...fine grain material (such as e-mail addresses or telephone numbers)...’ – which was requested by the Highway Authority.
9. There is no evidence that the existing, non-illuminated 48-sheet advertisement display is restricted in this manner and when I visited the site the existing display contained a sentence in a relatively small text size, which would take more than a quick glance in order to be assimilated by a motorist travelling westwards. There is no evidence before me that this existing advertisement display is unauthorised or is considered to be harmful to public safety.
10. Furthermore, the hot food takeaway sign on the gable elevation includes the telephone number of the business, and again this would be difficult for a motorist to assimilate whilst travelling westwards without some concentration. There is no evidence before me that this sign is unauthorised or is considered to be harmful to public safety.
11. I note that the Highway Authority states that for vehicles travelling westwards along Blackburn Road in this area, 85th percentile speeds are 35mph, in excess of the 30mph speed limit. However, no evidence of any road accidents in the vicinity of the appeal site has been provided and there is, therefore, no evidence that the existing advertisements are harmful to public safety.
12. I also note that unlike the existing non-illuminated 48-sheet advertisement, the appeal advertisement would be an illuminated digital display. However, the area seems to be well-lit and neither the Highway Authority or the Council has objected to the illuminated digital display per se. I therefore give this difference very limited weight.
13. The Council has also drawn my attention to some research from the Netherlands¹ said to show an adverse effect on driver behaviour in the vicinity of advertising billboards. I am not familiar with this research, which seems to concern the general display of advertisements rather than whether such advertisements contain *fine grain* information. In any event, the Highway

¹ SWOV, Leidschendam, the Netherlands April 2012

Authority and the Council are satisfied that the appeal advertisement could be displayed without harming public safety, subject to conditions.

14. From the evidence, if the appeal advertisement displayed *fine grain material (such as e-mail addresses or telephone numbers)*, it would have a similar impact on public safety as the existing advertisements on the gable elevation of No 628 and would not be harmful.
15. For these reasons the wording ‘...fine grain material (such as e-mail addresses or telephone numbers)...’ within Condition 3 is not needed to protect public safety. Consequently, Condition 3 should be deleted and replaced with a new Condition 3A, without this wording. This condition would be necessary to protect public safety in the area.

Conclusion

16. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR