The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/N4205/Z/19/3239204
28-30 Moor Lane, Bolton BL1 4TH

- 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 Mr Benjamin Porte of Clear Channel UK against the decision of Bolton Metropolitan Borough Council.
- The application Ref 06760/19, dated 13 August 2019, was refused by notice dated 21 August 2019.
- The advertisement proposed is described as: 'Replacement of existing poster display (12m by 3m) with an illuminated D-Poster display (6m by 3m)'.

Decision

1. The appeal is allowed, and express consent is granted for the display of an illuminated D-Poster advertising display (6m by 3m) as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following conditions:

   1) During the hours of darkness, the illumination level shall not exceed 300 candelas. At all other times the illumination level shall not exceed 600 candelas.

   2) There shall be no additional effects (including, but not limited to: audio, odours, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements, and shall not depict any images that resemble road signs or traffic signals) of any kind, at any time.

   3) No single advertisement shall be displayed for less than 10 seconds and successive images shall not be changed more frequently than once every 10 seconds.

   4) The transition between successive advertisements shall be 0.1 second or less.

   5) The display shall at all times maintain a safety feature that will turn the screen off (ie shows a black screen) in the event that the display experiences a malfunction or error.

Procedural Matters

2. The Regulations, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

3. The application form and submitted drawings indicate that a 96 sheet non-illuminated panel display already exists at the appeal site. However, it was noted during my site visit that this sign is in a poor condition with a large proportion of the signage missing. I have determined the appeal on this basis.

4. For clarity, I have taken the name of the appellant from the appeal form as it is more precise.

Main Issue

5. The main issue is the effect of the proposed advertisement on the amenity of the appeal site and surrounding area.

Reasons

6. The appeal site consists of a gable end of a commercial property that currently has a dilapidated / remains of an existing 96 sheet non-illuminated display. The site faces a vacant parcel of land, which the appellant informs me has benefitted from various planning consents, where it is also stated that some of which may have lapsed, but relatively little specific detail has been provided and therefore little weight can be attributed to these references in my determination of the appeal. Beyond this parcel of land is Bolton General Practice, which is a medical centre.

7. Adjacent to the medical centre is The Church of St Paul (the CoSP), which is a Grade II listed building that dates from 1848 with aisles added in 1869. The building is constructed using coursed and square stone with a variety of slate covered roofs, including the spire. I find that the proposed advertisement would fall within the setting of the CoSP, due to its proximity and its visibility within the street when viewing the heritage asset, particularly from Moor Lane.

8. The CoSP is located at the junction of Moor Lane with Spa Road / Deansgate (the main road junction). The area surrounding the CoSP is generally commercial in character, which continues in a northerly direction along White Lion Brow and Marsden Road, particularly at ground floor. Directly behind the CoSP is West Point View, a 7no. storey building on Garside Street. The appellant has brought to my attention an approved consent[1] for a similar advertisement to the scheme before me. I was able to observe this site and also noted another site along Marsden Road, a short distance from the main road junction. Whilst this digital advertisement faces away from the CoSP, it is nevertheless read in conjunction with it, especially its spire, when travelling along Marsden Road towards the CoSP.

9. On my site visit I noticed that the built environment surrounding the appeal site has a relatively low intensity of development, which is also apparent at the main road junction. Whilst this creates an open and spacious character, the commercial nature of the area in which the appeal site is located and the presence of wall mounted advertisement panels, including examples of digitally illuminated screens are a defining factor. I find that as there other examples of advertising in the locality, including digitally illuminated panels, the proposed advertisement would not appear out of place visually in the street scene, even though it would enjoy a relatively open and exposed setting.

[1] 01166/17 granted 23 November 2017

10. In this context, I find that the effect of the proposed sign would not be unduly prominent or create an intrusive feature. As such, the proposed advertisement would not adversely affect the amenity of the site and its surroundings, including the setting of the CoSP, where there would be a broadly neutral impact. I find that the appeal proposal would be consistent with the principles set out in the PPG, which amongst other things, advocates consideration for the local characteristics of the neighbourhood. Additionally, I consider that suitably worded planning conditions could be imposed to ensure that the proposed advertisement would not harm local amenity or the setting of the CoSP.

11. I have a statutory duty under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. I consider the proposed advertisement would accord with this duty. Additionally, the proposed advertisement would not cause harm to the significance of a designated heritage asset for the purposes of the Framework. Hence, there is no requirement for me to consider public benefits to be weighed in a balancing exercise.

12. I therefore conclude that the proposed advertisement would not significantly harm the amenity of the appeal site and surrounding area. This accords with the design, character, appearance and heritage aims of Policy CG3 of the Council's Core Strategy 2011, the Council's General Design Principles Supplementary Planning Document and the Framework. The Regulations require that decisions are made only in the interests of amenity and public safety, and these are policies and guidance to which I have regard as a material consideration.

Conditions

13. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the Planning Practice Guidance (PPG), revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point but have attached conditions more consistent in their necessity and form with the relevant advice.

14. The additional suggested conditions relate to the proposed level of illumination, and the nature of the advertisements. In the interests of local amenity, I consider it reasonable and necessary to impose conditions to that effect broadly along the lines proposed by the appellant.

Conclusion

15. I have concluded that the proposed advertisement would not prejudice local amenity conditions. For the reasons set out above, the appeal should succeed.

W Johnson

INSPECTOR