



Appeal Decision

Site visit made on 1 June 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/J2373/Z/20/3246947

150 Bond Street, Blackpool, FY4 1HW

- 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 Clear Channel against the decision of Blackpool Council.
 - The application Ref 19/0749 dated 8 November 2019 was refused by notice dated 20 December 2019
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster'
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing 48 sheet advert to support digital poster at 150 Bond Street, Blackpool, FY4 1HW. 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 conditions:
 1. The intensity of the illuminance of the advertisement shall be no greater than 300 candela/square metre during hours of darkness and no greater than 600 candela/square metre during the hours of brightness.
 2. The display shall not change more than once every 10 seconds.
 3. There shall be no special effects (including moving images, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, or any images that resemble road signs or traffic signals during the time that any message is displayed.
 4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.
 5. The display shall contain at all times a feature that will turn off the screen in the event that the display experiences a malfunction or error.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Regulations, National Planning Policy Framework and Planning Practice Guidance make it clear that advertisements should be subject to control only in the interests of public safety and amenity. I have therefore taken into account Policies CS7 of the Blackpool Local Plan Part 1 Core Strategy (2012 – 2027), adopted January 2016 and Policies LQ1 and LQ13 of the Blackpool Local Plan 2001/2016, adopted June 2006. These policies seek to protect amenity and so are material in this case but are not determinative in reaching a decision on the appeal.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

5. The appeal site comprises the gable wall of the residential dwelling at 150 Bond Street overlooking the Bond Street car park. The proposed advertisement would comprise a digital full colour display with changing, intermittent static images on the gable wall to replace a 48 sheet non-illuminated poster advertisement panel currently present
6. The surrounding area is characterised by a range of uses. The area immediately to the south of the site is commercial in character due to the presence of the car park, warehouse buildings and structures associated with the nearby Pleasure Beach theme park. Immediately to the north of the site, Bond Street is primarily residential in nature, with dwellings lining both sides of the street. Consequently, the site forms a transition between the commercial area to the south and the more residential character to the north.
7. The proposal would not be visible when travelling south along the residential portion of Bond Street. Views would be experienced when travelling northwards but due to the winding nature of the road these would be from a limited distance and the sign would be experienced primarily in the context of the commercial surrounds. While the nearby dwellings would become more apparent on the approach to the site, the gable wall and its current advertisement read as the end to the commercial section of Bond Street and mark the transition to the residential area. The proposal would be seen in this context and would therefore visually relate more to the commercial surroundings than the housing beyond. In this sense it would not detract from the appearance of the wider street scene.
8. The Council states that installations above ground floor level are generally not characteristic in Blackpool and that advertisements fixed to a building and unrelated to those premises are likely to be resisted in order to prevent harm to visual amenity. However, the appeal site currently comprises an above ground floor level advertisement unrelated to the premises at 150 Bond Street. The proposal would be positioned in the same location as this poster and would be of similar dimensions. Having regard to the size and characteristics of the existing advertisement display and its context, the proposed advertisement would not appear more prominent or dominant than that existing by nature of its dimensions or positioning.
9. While the proposed advertisement would be illuminated, the appellant has stated that it would not comprise any moving images or flashing lights. The

rate of image change, maximum luminance and brightness of the advertisement, which would be controlled remotely, would also be in line with industry standard. Furthermore, the appellant has confirmed that there will be no exposed cables at the appeal site. Therefore, while the proposal would be more noticeable than the current poster at the site due to this illumination it would not cause such a drastic change to the appeal site so as to have a significantly adverse effect on the visual amenity of the area.

10. For the reasons given above I therefore find that the proposal would not have a harmful effect on the visual amenity of the area.

Conditions

11. I have imposed the five standard conditions set out in the Regulations and the usual time period of five years. The appellant has suggested a number of conditions which I have considered. Within their appeal statement the appellant suggests that the advertisement should operate at an illumination level no greater than 300 cd/square metre at night or 600 cd/square metre during the day in the interests of amenity, in line with the guidance of the Institution of Lighting Professionals, Professional Lighting Guide 2015. However, in the list of suggested conditions provided at paragraph 4.5 of the statement of appeal a limit of 350 cd/square metre during darkness is suggested. It is not clear if that is a typographical error and no specific reason for a higher level than that recommended in the Professional Lighting Guide is put forward. Consequently, I recommend imposing a condition with a limit of 300 cd/square metre during night-time hours which is reflective of generally recognised practice for suitable lighting levels, in the interests of amenity and highway safety.
12. I also consider it necessary in the interests of amenity to impose conditions that the display shall not change at a frequency of more than once every 10 seconds and that the interval between successive displays should be instantaneous. No moving or apparently moving images or images resembling traffic signals should be displayed, and the screen should automatically switch off in the case of a malfunction in the interests of amenity and safety.

Conclusion and recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be allowed and that express consent should be granted for the upgrade of existing 48 sheet advert to support digital poster at 150 Bond Street, Blackpool, FY4 1HW subject to the conditions set out at paragraph 1 of this recommendation.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I too agree that the appeal should be allowed and that express consent should be granted for the upgrade of existing 48 sheet advert to support digital poster at 150 Bond Street, Blackpool, FY4 1HW subject to the conditions set out at paragraph 1 of this recommendation.

C Preston

INSPECTOR