



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/20/3247242

Palladium Buildings, Apollo Bingo Limited, Waterloo Road, Blackpool FY4 2AA

- 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 Chris Welbourne against the decision of Blackpool Council.
 - The application Ref 19/0761 dated 18 November 2019 was refused by notice dated 16 January 2020.
 - The advertisement proposed is described as 'Replacement of existing 1x 48 sheet advertisement hoarding with 1 x 48 sheet digital advertising display unit'.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of existing 1x 48 sheet advertisement hoarding with 1 x 48 sheet digital advertising display unit at Palladium Buildings, Apollo Bingo Limited, Waterloo Road, Blackpool FY4 2AA. 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 luminance level of the display should be controlled by ambient environmental control, which would automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level
 3. The display shall not change more than once every 10 seconds.
 4. 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.
 5. 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.
 6. 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 locally listed Palladium Buildings on Waterloo Road, close to the junction with Lytham Road. 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. A street art mural is located beside the advertisement, while an illuminated sign reading 'Apollo' is positioned on the roof of the building.
6. The surrounding area is characterised by its predominantly commercial character. While side streets within the vicinity of the appeal site are residential in nature, the most prominent views of the proposed advertisement would be experienced when travelling westwards along Waterloo Road alongside the restaurants, shops and railway station in the immediate area, including the associated fascia signs present. In addition, the scale of the advert would not appear incongruous when set against the wide open spaces and backdrop created by the adjacent railway line which creates a distinct visual break in the local built environment. In this sense it would not detract from the appearance of the wider street scene. Views of the proposal would not be possible from the nearby residential street of Garden Terrace or when travelling eastwards along Waterloo Road.
7. 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. It further states that the advertisement would appear incongruous against the residential backdrop of Hilton Avenue. However, the appeal site currently comprises an above ground floor level advertisement unrelated to the Palladium Buildings premises. 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.

8. While the proposed advertisement would be illuminated, the appellant has stated that it would not comprise any moving images. 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. Sensors would also detect external lighting levels and adjust the level of luminance. Furthermore, the appellant has confirmed that there will be no exposed cables at the appeal site, and the platform and railings present at the current advertisement would no longer be required. 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.
9. The Council has raised concerns regarding cumulative illumination levels from both the proposed advertisement and the Apollo sign present. However, due to the controls in place on the brightness and illumination of the proposed advertisement, and the commercial nature of the surrounding area, the cumulative levels of illumination would not result in a significant adverse effect on visual amenity. Consequently, I am satisfied that the appellant's suggestion of removing the existing Apollo sign as a condition of any approval would not be necessary to make the development acceptable in terms of its effect on amenity.
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. Firstly, 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. 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. Finally, the luminance level should be controlled and automatically adjusted, again in the interests of amenity.

Conclusion and recommendation

12. Having had regard to all matters raised, I recommend that the appeal should be allowed and that express consent should be granted for the replacement of existing 1x 48 sheet advertisement hoarding with 1 x 48 sheet digital advertising display unit at Palladium Buildings, Apollo Bingo Limited, Waterloo Road, Blackpool FY4 2AA subject to the conditions at paragraph 1 of this recommendation.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

13. 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 replacement of existing 1x 48 sheet advertisement hoarding with 1 x 48 sheet digital advertising display unit at Palladium Buildings, Apollo Bingo Limited, Waterloo Road, Blackpool FY4 2AA subject to the conditions at paragraph 1 of this recommendation.

C Preston

INSPECTOR