
Appeal Decision

Site visit made on 6 July 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 9 July 2020

Appeal Ref: APP/A2335/Z/19/3243189
130 Lancaster Road, Morecombe LA4 5QN

- 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 UK against the decision of Lancaster City Council.
 - The application Ref 19/01116/ADV, dated 2 August 2019, was refused by notice dated 18 October 2019.
 - The advertisement proposed is upgrade of existing 48-sheet advert to support digital panel.
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Decision

1. The appeal is allowed and express consent is granted for the display of the upgrade of existing 48-sheet advert to support digital panel 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 conditions:-
 - 1) The advertisements shall not display moving or apparently moving images and any change in the advertisement's display shall be instantaneous.
 - 2) The advertisements displayed shall not change more frequently than once every 10 seconds and shall not include any animation or exposed cathode tubing. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method.
 - 3) The intensity of the illumination of the sign shall not exceed 150cd/sqm during the hours of darkness.
 - 4) The luminance level of the advertisements shall be controlled by ambient environmental control, which must automatically adjust the brightness level of the screens to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the displays is maintained within the parameters set out in condition 3

Background and Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all 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 go on to state that the provisions of the development plan shall be taken into account in so far as they are material.

3. The Council's reason for refusal refers to policies DM6 and DM35 of the Lancaster City Council Local Plan Development Management DPD (DMDPD) in addition to the Council's 'Shopfronts and Advertisements' Supplementary Planning Document (SPD). Both refer to amenity and public safety and so are material to the matter before me. I have determined the appeal accordingly.
4. The Council raise no objection to the proposed advertisement in respect of public safety. Having assessed the proposal, I see no reason to disagree. The main issue in this case is therefore the effect of the digital advertising display on amenity.

Reasons

5. The existing 48-sheet advertisement panel is positioned on the blank two storey gable elevation of an end of terrace residential property. The parties describe the character of the surrounding area as being of mixed commercial and residential character. I agree that that seems, from my observations of the site and its surroundings during the course of my visit, to be an appropriate and broadly accurate description.
6. However, my observations of the site and surroundings are such that that broad description is nevertheless tempered slightly by the site's immediate context. Thus, its visual foreground is comprised by the commercial presence of a small supermarket with building mounted signage and a totem sign at the entrance to its car park, and is framed on one side by a hand car-wash site and snooker hall building and the supermarket building on the other.
7. The description given to the existing advertisement panel by both parties oscillates between it being described as externally illuminated, non-illuminated or not currently illuminated. At the time of my visit to the site there were no obvious means of external illumination visible around the display. Whilst acknowledging that my visit to the site was during daylight hours, that is not to say that the site and its surrounding environment strikes me as being particularly gloomy or poorly lit after dark.
8. Rather, the proliferation of streetlighting columns and illuminated road-signs around the mini-roundabout junction, and the streetlighting columns in streets leading from the roundabout are likely to bathe the junction and the immediately surrounding area in light, thereby creating something of a light island in the site's vicinity. During daylight hours I am satisfied that, although mixed, there is a sufficiently commercial nature to the area's character that the replacement of the existing sign with a digital panel would neither be out of character with the surrounding area or cause harm to visual or residential amenity. I note that the appellant has resolved to limit night-time illumination levels and that daytime levels would be controlled by light sensors. Further, the rate of change of image on the display would be restricted to ten seconds which, the appellant suggests, would be an appropriate rate so as to avoid exposure to multiple changing images on approach to the display.
9. I see no reason to suggest that such a rate of change would not be appropriate. Other than oblique views upon exit from the supermarket car park, the display would only be visible from two approaches; Lancaster Road

and the residential side street of Lowlands Road. Longer views towards the display from Lancaster Road would be restricted by the commercial parade a short distance to the east of the car park entrance, and the tree canopies within the supermarket car park landscape strip. Although the trees are deciduous and thus the availability of views towards the display will vary throughout the year, a ten second rate of change would not be unreasonable from my experience of driving along this stretch of road.

10. For all that the appellant suggests that there would be no material difference between the current advertisement and the proposed digital display, I am not persuaded that that would be the case. A digital display panel typically displays a crisper, sharper and often brighter image than a conventional poster panel. However, I am satisfied that, although the area's character is mixed, there is a sufficiently commercial nature to the surrounding area's character that the replacement of the existing sign with a digital panel would not be out of character and would not harm visual amenity as a consequence.
11. I am also satisfied that appropriate measures in the form of light sensors would ensure a level of daytime illumination that would not be out of keeping with the immediately surrounding commercial context, nor that would be sufficient to cause harm to visual or residential amenity. During the hours of darkness the reduced limits to luminance levels proposed by the appellant, taken together with the nature of surrounding roadside illuminations and the stand-off between the site and the nearest residential properties, would in my judgement be sufficient to ensure that the digital display would not materially harm amenity.
12. For the reasons I have set out, I am satisfied from all that I have seen and read, including my visit to the site and the surrounding area, that the proposed display would not result in harm to amenity, either in terms of wider visual amenity around the appeal site or to the amenities of occupiers of the nearest residential properties. I have had regard to the provisions of DMDPD policies DM6 and DM35, and to the SPD insofar as they relate to amenity, and the Framework, in reaching this conclusion. Given that I have concluded that there would be no harm to amenity the proposal would not be in conflict with these policies.

Conditions

13. In addition to the standard conditions, both the Council and the appellant have suggested the imposition of further conditions. Although the respective wording differs, the intent of the conditions are broadly reflective of each other. I have considered these matters in light of the Framework, Planning Practice Guidance and the Regulations.
14. In addition therefore to the five standard conditions set out in the Regulations, I agree that conditions regarding the nature of the displays (no moving or apparently moving images), the nature of change between images (instantaneous change) and the rate of change are necessary in the interests of amenity and public safety. Whilst I have combined the wording from each party's suggested conditions, I am satisfied that neither party would be disadvantaged by my doing so.
15. A condition to restrict the luminance level of the display during hours of darkness is necessary in the interests of amenity and public safety and I have

attached a condition to that effect, albeit that I have adopted the appellant's suggested luminance level rather than that suggested by the Council. I have not attached the Council's suggested condition 5 as I am satisfied that its provisions would be adequately covered by the standard conditions set out in the Regulations.

Conclusion

16. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR