



Appeal Decision

Site visit made on 4 February 2021

by L Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 15 February 2021

Appeal Ref: APP/E0915/Z/20/3263415

Land at KC Superbikes, Church Street, Carlisle, CA2 5TJ

- 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 Graeme Hughes against the decision of Carlisle City Council.
 - The application Ref 20/0630, dated 14 September 2020, was refused by notice dated 16 November 2020.
 - The advertisement proposed is the erection and display of two freestanding back-to-back 48-sheet sized digital LED advertising units.
-

Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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 intensity of the illumination of the sign permitted by this consent shall be no greater than 300 candela in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors to reflect ambient light conditions and ensure that the display is not dazzling and at all times it shall remain within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed;
 - 3) The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change with no visual effects (including fading, swiping or other animated transition methods) between displays and the display will include a mechanism to default to a plain, black screen if there is a malfunction, or the advertisement is not in use;
 - 4) No images displayed shall resemble official road traffic signs, traffic lights or traffic matrix signs.

Procedural matters

2. In refusing the application, the Council refers to conflicts with Policy SP6 of the Carlisle District Local Plan 2015- 2030, adopted 2016, (LP) which requires that development proposals should respect local character and minimise visual

cluttering. The Regulations and paragraph 132 of the Framework both make clear that advertisements should only be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. On this basis, the Council's policies alone cannot be decisive.

Main Issue

3. The main issues in this case are the effect of the proposed display on the amenity of the area and its effect on public safety.

Reasons

Amenity

4. Church Street (the A595) forms one of the main routes into Carlisle. It is a significant thoroughfare, commercial in nature, with a mix of modern developments such as the large nearby Sainsbury's Superstore, KC Superbikes, and older industrial and smaller scale buildings, such as those on John Street. In sum, it is a typical urbanised roadway, within a commercial area, in which the planning practice guidance concludes that the principle of large advertisements can be acceptable.
5. Nonetheless, I have carefully considered whether the proposed development, which would be a large, free standing structure, constructed of modern materials, with a light emitting diode display (LED), the strength of which would be set to react to the ambient light level, and which would change every 10 seconds, would be in scale and in keeping with the local characteristic of the area. In doing so, I have had particular regard to the requirements set out within the Regulations.
6. It is not a point of dispute that there are no other large format illuminated advertisements of a similar design, or which operate in the same way, in the wider area. However, this, of itself, would not be a reason to dismiss the appeal.
7. Visually, the proposed development, whilst clearly a contemporary iteration of an advertisement, would not jar with the surrounding built environment. Indeed, it would be seen in the context of the modern design of the KC Superbike showroom. It would be set back off the road, would not extend beyond the boundary of the appeal site, and would sit some distance from the flank wall of no 31 John Street. The proposal would clearly be a large display, designed to be highly visible, nevertheless, in my judgement, the location is capable of absorbing the advertisement without detriment. Given the particular locational characteristics of the site, it would not appear out of scale, nor dominate the wider townscape either side of the road.
8. Therefore, I conclude that the proposal would not be overly obtrusive, incongruous or a discordant feature, and would be consistent with both the Regulations and paragraph 132 of the Framework, and therefore, as I have found that it would cause no adverse impact on amenity, it would be consistent with Policy SP6 of the LP.

Highway Safety

9. When approaching the appeal site from the west, the proposed advertisement would be on the other side of the dual carriageway and therefore could not interfere with or be a distraction to drivers.
10. I took the opportunity to cross the dual carriageway on foot taking advantage of the central reservation, as well as to drive towards the appeal site from the eastern direction. In doing so it appeared that the appeal proposal would be partially visible on approaching, and when stationary at the Bridge Street traffic light. However, due to the position of the proposed LED display, the traffic lights would not be viewed directly in front of it. For drivers turning right into Sainsbury's there is a right turn lane and single traffic light. However, this traffic head is in the middle of the carriageway and would not be seen in the context of the proposed advertisement.
11. Similarly, I considered the impact of the appeal proposal on drivers leaving the Sainsbury's car park from Byron Street. However, it would have a negligible impact as only the edge, or a sliver of the display panel would be visible, and when at the traffic lights it would not be in the driver's view.
12. Drivers approaching from John Street would only see the proposed advertisement after having passed the traffic signals and having adjusted to cope with the prevailing conditions.
13. I am aware that this form of advertisement is unusual within Carlisle. However, it would correspond to industry standards in terms of the control of the intensity of the lighting and the frequency of the change of the advertisement. There is no evidence before me to suggest that the proposal is such an unusual form of display, nor its proposed location unacceptable, so as to pose a danger to road users either during the day or at night, and therefore, to cause a traffic hazard.
14. In conclusion, it is important to ensure that advertisements, and especially internally illuminated ones which have a changing display do not obstruct or confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal. However, for the reasons set out above, the particular proposal before me, would not result in such dangers and therefore would not be overly distracting so as to impact on the concentration of drivers. Consequently, the location and design of the proposed digital advertisement would not result in an unacceptable risk to highway safety.

Other matters

15. I have been referred to a number of other examples of advertisements in support of the Council's case. However, none appear to be directly comparable, and in the instance of the appeal proposal at Bradford, I have been given very little information. Moreover, I have determined the appeal, on the basis of the evidence before me and the specific merits of the case.

Conclusion and conditions

16. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity and public safety, and the appeal is allowed and consent granted.

17. I have considered the condition suggested by the Council in terms of the luminance, but in the absence of any technical evidence, there is no justification to depart from established industry standards. Therefore, whilst in the interests of conciseness, I have made some changes to the conditions put forward by the appellant, I consider that these, together with the five standard conditions for an advertisement consent, to be adequate in the case of this development in this particular location. These conditions will protect the visual amenity of the area and maintain highway safety.

L Nurser BA(Hons) Dip UP MRTPI

INSPECTOR