



Appeal Decision

Site visit made on 26 April 2022

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2022

Appeal Ref: APP/E2340/Z/21/3289439

North Valley Plumbing Centre, North Valley Road, Colne BB8 9RG

- 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 North Valley Plumbing Centre Ltd against the decision of Pendle Borough Council.
 - The application Ref 21/0862/ADV, dated 18 October 2021, was refused by notice dated 9 December 2021.
 - The advertisement proposed is described as A double-sided, freestanding 48-sheet sized digital LED advertising unit.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Paragraph 136 of the National Planning Policy Framework (the Framework) advises that there is a separate consent process to control the display of advertisements¹. The Framework, the Regulations, and the Planning Practice Guidance (PPG) all make it clear that advertisements are controlled with reference only to their effect on "*amenity*" and "*public safety*"². The provisions of the development plan, and any other relevant factors, can be considered, so far as they are material³. I have assessed the proposal in accordance with the Regulations.

Main Issues

3. Considering the above and the evidence submitted, the main issues are the effect of the proposal on "*amenity*" and "*public safety*".

Reasons

Amenity

4. The Regulations advise that consideration of amenity includes the general characteristics of the area⁴. The appeal site is located within the curtilage of a commercial building that is sited towards the centre of a busy traffic island. The building is two-storey, with a simple oblong form constructed mainly of red brick under a dual-pitched grey slate/tiled roof. The area between the

¹ They are regulated by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended), (the Regulations)

² Paragraph 136 of the Framework; Paragraph: 001 Reference ID: 18b-001-20140306 Revision date 06 03 2014 of the PPG, and section 3(1) of the Regulations

³ Section 3(1)(a) and (b) of the Regulations

⁴ Section 3(1)(a) and (b) of the Regulations

perimeter of the building's curtilage and the traffic island's edge consists of a mix of mown grassed areas and shrubs and trees of varying heights. At the time of my visit, there were several fascia-board, lettering and poster-type advertisement signs attached to the building's elevations and windows.

5. Notwithstanding the commercial use of the building and the existing signage attached to it, the landscaped area of the island immediately surrounding the building is free from built structures, thereby providing an open, airy space around the building.
6. The surrounding area within vicinity of the traffic island comprises a mix of commercial and residential uses. The commercial sites close to the island include advertisements of various sizes and designs, some of which are supported on upright posts, and some are illuminated. However, there are no digitised screens of the type proposed within proximity of the site. The PPG indicates that advertisements that may otherwise be refused may be permitted in commercial areas. However, although there are commercial sites close to the site, it does not logically follow that any advertisement would be acceptable in such a context.
7. The proposed advertisement would be sited adjacent to the western boundary of the building's curtilage, such that one side of the display screen would face west and the other east. Although the proposed advert would not be visible from some of the locations around the island, due to the siting, large size, and digitised/illuminated nature of the proposal, it would be highly visible from the areas immediately to the west/north-west of the island, and quite visible from the area around the western end of North Valley Road.
8. The scale of the proposed signage would be significantly out of proportion with the size of the building; and, when viewed from the western side in particular, the siting, size of the display area and height it would be above ground level would obscure the view of the building and also enclose the existing space around it, thereby eroding the building's open, airy, landscaped setting.
9. For these reasons I conclude that the proposed advertisement would significantly harm the appearance (amenity) of the area. I have taken policy ENV2 of the Local Plan for Pendle: Core Strategy 2011-2030 (2015) into account, as it supports, among other things, contemporary design where it would enhance the character or quality of the environment. As such, it is material in this case. Given I have concluded that the proposal would harm amenity, the proposal conflicts with this policy.

Public safety

10. The Regulations advise that factors relevant to public safety include the safety of people using any highway, and whether proposals would obscure or hinder the ready interpretation of any traffic sign⁵.
11. A handful of roads lead into and off the traffic island, with the busy A6068 running into and out of the island in broadly east and west directions. As noted, the proposed advert would be highly visible when approaching the island from the west and quite visible when approaching from the east. There are traffic lights with a pedestrian crossing at the junction where the A6068 enters the roundabout from the west; and there are traffic lights with a pedestrian

⁵ Section 3(1)(a) and (b) of the Regulations

crossing located around 100m from the roundabout on the A6068 approaching from the east.

12. In addition to the existing advertisements of various types located within and around the commercial premises close to the traffic island there are streetlamps and some traffic directional signs.
13. I accept that the proposed advert would potentially attract the attention of drivers, and other highway users; and I note the evidence submitted regarding recorded accidents within the vicinity of the roundabout and the surrounding area. Additionally, the PPG advises that adverts located at points where drivers need to take more care, eg junctions or roundabouts, are more likely to affect public safety⁶. However, attracting the attention of drivers, which is what many advertisements are designed to do, does not necessarily mean that drivers would be distracted from the activity they are primarily engaged in, ie driving.
14. I have not been provided with any substantive evidence to support the view that drivers, or other highway users, would not readily be able to distinguish between the existing traffic signals and the proposed digitised/illuminated advertisement screens, whichever direction they were travelling in towards or away from the roundabout. Nor have I been provided with any substantive evidence that suggests that an advertisement of the type proposed would result in accidents, thereby endangering public safety.
15. I therefore conclude that the proposed advertisement is unlikely to harm public safety.

Other relevant factors

16. The appellant has drawn my attention to 2 instances within the Borough where the Council has granted advertisement consent for adverts the appellant suggests are identical to the advert proposed, the 2 sites being at 326 Burnley Road and 2 Gordon Street.
17. The advert at Burnley Road shown in the photographic evidence submitted, and the advert I observed on site, is not a digitised advert; and it is illuminated via a strip light. However, the submitted evidence includes a copy of the Council's Decision Notice granting consent for a digitised advert at the site. I understand from the Decision Notice that the digitised advert granted consent is to replace the non-digitised sign that is present, and it is to be of a similar size. Replacing an existing sign is different to erecting a new sign. Additionally, a factor which makes a significant difference with respect to how the approved signage would be perceived and what its impact on amenity would be, is that the advert would be attached to the gable end of an end of terrace dwelling, not a stand-alone sign erected on posts within a traffic island.
18. Again, when I visited the site at Gordon Street the advert in situ was different to the one shown in the photograph submitted in evidence. The sign I observed was digitised, though not displaying at the time. The submitted evidence also includes a copy of the Council's Decision Notice granting consent for a digitised advert at the site; and I understand from the Decision Notice that the digitised advert granted consent replaces the non-digitised sign and is of a similar size to it. As noted above, replacing an existing sign is different to erecting a new sign. Again, as with the advert granted consent at Burnley Road, a factor which

⁶ PPG Paragraph: 067 Reference ID: 18b-067-20140306 Revision date: 06 03 2014

makes a significant difference with respect to the impact of the approved signage on amenity, is that the advert is attached to the gable end of an end of terrace dwelling; it is not a stand-alone sign erected on posts within a traffic island. Furthermore, the advert granted consent is located opposite a small number of retail and commercial units that form a local shopping area.

19. Hence, although I do not have the full details of the 2 examples referred to, with the information provided and my observations at the sites, I consider there are significant differences between the proposal before me and the 2 examples referred to, as outlined. As such, the schemes are not directly comparable.
20. The appellant suggests that there are economic and environmental benefits to the digital display technology that weigh in favour of the proposal, which I acknowledge. However, as noted above, the assessment of proposals for advertisement consent is based on the advertisement Regulations and confined only to interests of amenity and public safety. As the economic and environmental benefits the appellant refers to are not material to the matters of amenity or public safety they cannot be taken into consideration.

Conclusion

21. Notwithstanding my conclusion regarding the effect of the proposed advertisement on public safety, I have found that the proposal would significantly harm the appearance of the area. I consider the 2 examples of advertisement consent granted by the Council are not directly comparable to the proposal before me. Therefore, for the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR