



Appeal Decision

Site visit made on 8 July 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH July 2022

Appeal Ref: APP/N2345/Z/22/3296712

Land adjacent to Gateway House, 200 Ring Way, Preston PR1 2ER

- 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 Alight Media against the decision of Preston City Council.
 - The application Ref 06/2022/0231, dated 15 February 2022, was refused by notice dated 7 April 2022.
 - The advertisement proposed is a freestanding 48-sheet sized digital LED advertising unit.
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Decision

1. The appeal is allowed and express consent is granted for the display of the freestanding 48-sheet sized digital LED advertising unit 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 maximum luminance of the advertisement shall not exceed that recommended in the Institute of Lighting Professionals (for a sign within Zone E4) Professional Lighting Guide 05 (PLG 05) Brightness of Illumination Advertisements (or its equivalent in a replacement Guide).
 - 2) The luminance level of the display should be controlled by ambient environmental controls, which automatically adjust the brightness level of the screen and 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 approved display should contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
 - 4) No individual advertisement on the digital screen will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 - 5) There shall be a smooth uninterrupted transition from one image to another. Transitions shall be of not less than one second between static images, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

Main Issue

2. The main issue is the effect of the proposed advertisement on amenity.

Reasons

3. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (the Regulations) requires that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the Policy cited by the Council in its Decision Notice, this has not been decisive in my determination of this appeal.
4. The site is an area of grass verge on the corner of the busy Ring Way (A59), a major arterial route through the city centre, and Market Street West. It adjoins Gateway House, which is a three-storey somewhat monolithic building with a wide and prominent frontage to Ring Way. The proposed advertisement would be 6m wide and 3m in height and it would be mounted on steel legs sunk into the grass verge but nonetheless around 2.7m above the ground. Notwithstanding its size, it would be comfortably contained within the backdrop of the elevation of the plant room of Gateway House. This is set back slightly from its main elevation to Ring Way and lacks any notable character, finished in part brick, part grey cladding with horizontal vents. The proposed advertisement would therefore assimilate well with the scale of its immediate surroundings.
5. The proposed advertisement has been orientated to face the corner of Ring Way, Market Street West so is most prominent travelling south on Ring Way. It would be viewed in the context of the Kwik Fit unit on the opposite side of Market Street West to the appeal site. In addition to fascia signage, there is an internally illuminated Kwik Fit totem sign of around 6m in height set adjacent to the back edge of the pavement. Ring Way falls north to south and because of this level change the proposed advertisement would appear lower than, and subordinate to, this totem. Travelling north, the advertisement would be partly obscured (at least in the summer months) by the large canopy of a tree to the south on the grass verge, and would be viewed in the context of the Kwik Fit fascia and totem signs, but also fascia signage on buildings opposite. Whilst I accept prominent, and larger in scale than existing signage, the proposed advertisement would not be an incongruous feature in this street scene.
6. The proposed advertisement would display a series of static images which would change no more frequently than once every 10 seconds. The image would change instantaneously without fading or other visual effects. The advertisement would be a new addition (for a period of time at least) and would be widely visible in the street scene, particularly when lit. This part of Ring Way is predominantly commercial in character, although there is a residential block close to the site on the corner of Market Street West and Trinity Place behind the Kwik Fit unit. This prevailing character and existing streetlighting means that the proposed sequential static images at controlled levels of brightness, whilst very visible, would not be visually obtrusive in this location.
7. I did not see any other similarly large advertisements in the immediate area, save the poster sign on the flank elevation of the building opposite The Law

Court on Ring Way. As described, from both the north and south the proposed advertisement would be seen in context with the Kwik Fit and other fascia signage, and street furniture, including a speed camera, on the Ring Way, Market Street West corner. However, these are characteristic of a busy road corridor and the advertisement would not result in any particular visual clutter, or detract from the existing character of the area.

8. The Council has drawn my attention to two appeal decisions. In the appeal decision at 227 London Road (APP/N2345/Z/21/3282509) for an advertisement 6m wide and 3m high, the Inspector found it would be markedly out of keeping and discordant in the context of the verdant mature woodland that characterised the area close to the appeal site. Therefore, while I accept that the location was a similarly busy road (in that case the A6) the scheme differs in its immediate context. The appeal at 328 West Strand (APP/N2345/Z/20/3261153) was also for a large, illuminated advertisement on a busy road, but the area was characterised predominantly by mixed commercial uses. In contrast to my findings above, in that case the Inspector found the proposed advertisement would obscure a large portion of the adjacent building and its scale in relation to that building would result in a visually intrusive feature. On the evidence before me, neither appeal decision is directly comparable to the proposal before me, or provides sufficient justification to refuse it. In any event, I have considered the proposed advertisement on its own merits and site specific characteristics.
9. For the reasons above, I conclude that the proposed advertisement would not cause harm to amenity. Policy EN9 of the Preston Local Plan 2012-2026 Site Allocations and Development Management Policies (July 2015) requires, among other things, that development makes a positive contribution to character and local distinctiveness, including by responding to its context. Although not decisive, the relevant policy is material in this case. Given that I have found the proposal would not harm amenity, there is no conflict with this policy. Further, there would be no conflict with the design aims of the Framework.

Conditions

10. The Council has suggested planning conditions including a control on illuminance, the duration of the transition between images and a turn off feature should an error in the display occur. A condition precluding moving images, animation or video images is also proposed, which the PPG identifies as a type of advertisement which may cause danger to road users. Assessed against the tests in the Framework, I consider these necessary in the interests of amenity and public safety. I have, however, amended the condition to control illuminance to reflect the Institute of Lighting Professionals guidance, which is also consistent with the approach suggested by the appellant.

Conclusion

11. For the reasons set out above, I conclude that the proposed advertisement would not be detrimental to amenity. Therefore, the appeal should be allowed subject to the standard conditions set out in the Regulations and the additional conditions above.

R. Jones

INSPECTOR