



Appeal Decision

Site visit made on 31 January 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/M2372/Z/22/3305708

Land At Bank Bottom at the corner of Borough Road, Darwen, Lancashire, BB3 1PL

- 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 Warren Milroy of Vivid Outdoor Media Solutions (B) Ltd against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/22/0570, dated 1 June 2022, was refused by notice dated 3 August 2022.
 - The advertisement proposed is the erection and display of a freestanding 48-sheet sized digital LED advertising unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety. This is confirmed by the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG). Therefore, while I have taken into account the policies that the Council consider relevant to the appeal, they have not been decisive in my determination of it.
3. The appeal site is located in the Darwen Town Centre Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

4. The main issues are the effects of the proposed advertisement on amenity and public safety.

Reasons

Amenity

5. The appeal site is an area of undeveloped vegetated land adjacent to a car park close to the junction of Bank Bottom and Borough Road in Darwen Town Centre. The immediately surrounding built context for the appeal site is commercial in character. The CA covers the historic commercial and civic core of the town together with associated densely developed traditional terraced dwellings. It is a predominantly stone-built Victorian townscape with a coherent and distinctive historic character and appearance.

6. The proposed free-standing advertisement would comprise a display unit roughly 6m x 3m on steel supports roughly 2.5m tall. In its entirety, the proposal would be about 6.4m wide with a maximum height of just under 6m. The advertisement would display internally illuminated sequential static images at 10 second intervals with instantaneous changeover. The level of illuminance would be in accordance with Institute of Lighting Engineers guidance.
7. The PPG advises that, in assessing amenity, the local planning authority should consider whether the advertisement is in scale and in keeping with locally important scenic, historic, architectural or cultural features.
8. Approaching along Borough Road from the south east direction, the visual context for the advertisement would include the notable Regent Buildings with its ornamental architectural features and its ground floor commercial uses, street signage and the verdant mature planting including trees to the front and rear of the appeal site. The large contemporary advertisement would be out of character with the historic built environment. It would be out of scale and out of keeping with the nearby commercial fascia and highway signage. It would not be assimilated into its surroundings by existing signage, rather it would be a conspicuous and dominant feature that would contribute to visual clutter.
9. From locations to the west including near the junction of High Street and The Green, the large elevated rear of the advertisement would be prominent in views looking into the CA. It would be a visually obtrusive and discordant feature that would diminish the historic townscape. It would detract from views of the notable buildings on Borough Road including the turreted Regent Buildings and of Belgrave Chapel which is a dominant landmark in the townscape and clearly visible beyond Bank Bottom.
10. By virtue of its siting, scale and its overtly contemporary appearance, the advertisement would be poorly related to the traditional townscape and verdant surroundings. It would not make a positive contribution to sense of place or local distinctiveness. Consequently, the advertisement would fail to preserve or enhance the character or appearance of the CA. The presence of signage nearby that similarly fails to make a positive contribution to the CA does not provide a justification for the appeal proposal.
11. Therefore, I conclude that the advertisement would harm amenity. Although not determinative, as I have found harm, it would conflict with Policies CS16 and CS17 of Blackburn with Darwen Core Strategy Adopted January 2011 and Policies 39 and 43 of Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies Adopted December 2015 (the LP). These require, among other things, that proposals respect and reinforce local character, that they protect and enhance heritage assets, settings and views of important buildings, and that they do not result in clutter or excessive advertising. It would also conflict with the design aims of the Framework.

Public Safety

12. The appeal site is on a one-way section of Borough Road close to the junction of Bank Bottom. There is 1 lane of traffic and a cycle lane as the road passes in front of the Regent Buildings. The road divides into 2 lanes and it forks as it passes the Bank Bottom junction. At this point, the cycle lane crosses the carriageway to join the right hand fork in the road. Bank Bottom allows both

access and egress to Borough Road and there is also a car park entrance and exit close to the Bank Bottom junction.

13. By virtue of its prominent and elevated position, the advertisement would be clearly visible on the approach along the one-way street. Nevertheless, highway users will still need to be alert for on street parking manoeuvring to the front of the Regent Buildings, highway users entering and exiting Bank Bottom and the adjacent car park, traffic manoeuvring between lanes, cyclists crossing the carriageway in the cycle lane and pedestrians who will inevitably be crossing the road in the absence of a pedestrian crossing.
14. Taking into account the busy town centre location, simultaneously monitoring the activity of other road users while potentially changing lanes or turning off Borough Road will require high levels of concentration. In these circumstances, even momentary distraction to the attention of highway users, such as would result from the advertisement, would be likely to have significant adverse consequences for road users including vulnerable pedestrians and cyclists. Moreover, while there are no light controlled junctions in this location, the large changing imagery would detract from the nearby street and traffic signage with consequent implications for driver behaviour.
15. Therefore, I conclude that the proposed advertisement would harm public safety. Although not decisive in the appeal, it would conflict with LP Policy 43 including in relation to not distracting the attention of users of the highway. It would also conflict with the highway safety aims of the Framework including in relation to creating places that minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

16. The appellant suggests that the proposal would tidy up the area and the promotion of local businesses and community organisations would support the local economy. Be that as it may, advertisements are subject to control only in the interests of amenity and public safety and there is no indication that other matters should be taken into account either for or against a proposal.
17. My attention has been drawn to free-standing and wall-mounted advertisements elsewhere. Few details have been provided. However, while they might be similar in terms of their size and scale, they are not demonstrably comparable to the proposal including in terms of their siting and surrounding context. Advertisements elsewhere, including in more contemporary or large-scale commercial locations, do not provide a justification for an advertisement in a historic townscape and conservation area.
18. In addition to the standard conditions, the appellant suggests conditions to restrict the display to static images only, to control the level of illuminance, the frequency of imagery and the nature of the transition and to display a blank screen in the event of malfunction. However, these measures would not mitigate the adverse visual impact on the historic townscape nor would they prevent road users from being distracted by the large illuminated and changing imagery. As the adverse impacts on amenity and public safety could not be adequately mitigated by the suggested controls on the advertisement, the proposal could not be made acceptable through the imposition of conditions.

Conclusion

19. For the reasons set out above, I conclude that the proposed advertisement would harm amenity and public safety.
20. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR