



Appeal Decision

Site visit made on 14 May 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2024

Appeal Ref: APP/E2340/Z/24/3337955

Rear Of 66 Market Street (Hartley Sq Shopping Precinct), Facing Craddock Road, Colne, Lancashire BB8 0HS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Vivid Outdoor Media Solutions (C) Ltd against the decision of Pendle Borough Council.
 - The application Ref is 23/0684/ADV.
 - The advertisement proposed is the erection and display of a single wall-mounted 6 x 3 metre LED display unit.
-

Decision

1. The appeal is allowed, and express consent is granted for the erection and display of a single wall-mounted 6 x 3 metre LED display unit at the Rear Of 66 Market Street (Hartley Sq Shopping Precinct), Facing Craddock Road, Colne, Lancashire BB8 0HS, in accordance with the terms of the application, Ref 23/0684/ADV. 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 advertisement hereby granted consent shall only display static images and shall include no moving or flashing elements.
 - 2) The digital advertisement shall be designed so that between sunset and sunrise the intensity of the illumination of the display screen shall not exceed 300cd/m² and between sunrise and sunset the intensity of the illumination of the display screen shall not exceed 5000 cd/m². The advertisement hereby granted consent shall not be illuminated by flashing or intermittent lighting. The display screen shall be fitted with a light intensity monitoring sensor to ensure the illumination intensity is dimmable to take account of ambient light conditions and comply with the maximum recommended lighting intensity. The advertisement will go to a blank (dark) screen in the event of a malfunction. The illuminance levels shall be checked once every six months and adjusted, if necessary, to ensure that the lighting intensity remains within the permitted levels as prescribed above.
 - 3) The minimum length of time for each display shall be 10 seconds and the time interval between successive displays shall be no greater than 0.1 seconds with no fading, swiping or other animated transition methods between successive displays. No interactive messages or messaging sequences are to be displayed.

Main Issues

2. Having regard to the Regulations and the decision of the Council, the main issues are the effect of the proposal on amenity and public safety.

Reasons

3. The appeal site is to the rear servicing area of a shopping area, facing onto a straight, level road with a 30mph speed limit and good forward-visibility, with accesses and entrances along the road as well as typical street furniture and a signal-controlled pedestrian crossing. Despite this, there are no particularly difficult manoeuvres or highway features to navigate. Until relatively recently there was a non-digital billboard on the same site, although that has since been removed.

Amenity

4. The appeal proposal is of a standard size, is set at a typical height and in a location, within a commercial and retailing environment where it would appear entirely typical and appropriate. The advertisement is set wholly against an existing wall, with no projection above it or to the side, limiting its overall effect on the built form of the area. Moreover, it is replacing a previous, admittedly non-digital, advertisement in the same location. That replacement with a tightly controlled advertisement of a similar size and in the same location, albeit digital in form would not, in my opinion have a fundamentally different effect on or cause harm to the amenity of the area.
5. I note that the area is considered as both a gateway to the commercial area of the town and a through route. In my view, this further emphasises the acceptability of the proposal in terms of its impact on the amenity on the area.
6. Taking all of that together, I find that the proposed advertisement would not have a harmful effect on the amenity of the area.
7. Insofar as they are relevant to consideration of the effect of the proposal on amenity, I have taken into account policies in the Pendle Local Plan: Part 1, the Design Principles SPD, the Colne Neighbourhood Development Plan and the National Planning Policy Framework (the Framework). However, nothing within them leads me to a different conclusion from the one I have reached above.

Public safety

8. Even taking into account all of the site-specific factors and context set out above, the County Council as highway authority raised no objection to the proposal on the grounds of highway and pedestrian safety, subject to the imposition of conditions.
9. There is nothing in the evidence before me or which I saw on my site visit which suggests that I should, or that it would be appropriate for me to, depart from that position, or that there are any other public safety factors, including pedestrian safety which would result in me reaching a different conclusion.
10. As such, I find that the proposed advertisement would not have a harmful effect on highway, and by extension, public safety.

Conditions

11. In addition to the five standard conditions set out in the Regulations, I consider that it is necessary to attach the conditions set out above in order to clearly define and control the consent granted in the interests of amenity and public safety, in line with the comments of the Council. Whilst I note the Council has sought a condition listing the approved plans, I do not consider this to be necessary. I am therefore satisfied that the additional conditions I have imposed, amended from those suggested by the Council, meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

12. For the reasons given above I conclude that the proposal would not harm the interests of amenity or public safety, the appeal should be allowed, and express consent granted.

S Dean

INSPECTOR