



Appeal Decision

Site visit made on 11 December 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2025

Appeal Ref: APP/Z2315/Z/24/3354339

Bingo Hall, Centenary Way, Burnley, Lancashire BB11 2EJ

- 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 Burnley Borough Council.
 - The application reference is ADV/2024/0298.
 - The development proposed is a single illuminated 48-sheet digital advertisement display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on amenity.

Reasons

3. The free-standing advertisement would be located at this busy road intersection, within but close to the edge of the forecourt of the associated Bingo Hall building. There are a number of other signs and advertisements in the immediate vicinity. These are generally located on the buildings of the commercial properties that adjoin this junction or are set against the backdrop of the canal embankment. A small free-standing advertisement, also in the Bingo Hall forecourt, is an exception although due to its size and height, it has a more limited wider prominence. The Bingo Hall itself has a number of adverts attached to it. I have not been provided with details of whether any of the above mentioned adverts have or needed consent so have assumed that they are relatively permanent features within this area.
 4. I am mindful that the council has already accepted a similar advertisement on the Bingo Hall building, in a position not dissimilar to the advert now proposed. The appellant advises that this cannot be installed due to the structure of the building. The approved advert would have been viewed against the backdrop of the building and be intimately associated with it. This proposal would stand towards the edge of the forecourt and as a result, whilst viewed against the backdrop of the building, in a similar way from some angles, it would be much more prominent, in a wider range of views. In a number of views, not only would the advert be visible but its structure, including the back of the display, would also be clearly evident. Its free-standing position would allow for the
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entirety of its structure to be visible without it being set against a building backdrop, particularly when approaching the town centre along the busy Yorkshire Street.

5. The submitted layout plan is based on a previous road layout which included a large roundabout. The photomontage was clearly carried out using a photograph taken during the process of the road works. It is quite evident that considerable effort has been made in this area to improve the public realm, particularly for pedestrians and cyclists. These improvements provide an important link to the town centre which also benefits from public realm improvements and pedestrian accessibility enhancements. The area of this junction is part of a particularly important pedestrian route between the town centre, along Yorkshire Street, towards the east of the town, including the nearby football stadium. The proposed sign would be significantly more imposing than the consented sign when using these enhanced pedestrian areas and would detract significantly more from the visual amenity of this immediate area, given its more isolated, free standing position and proximity to the public realm.
6. The improved public realm includes a number of landscaped sections that include young trees. The appellant states that the 'council's action to carry out the tree planting scheme is surprising, as it is clear that the intention of this programme of works is to obstruct the views of the consented display'. The actual works include four symmetrical landscaped areas in each of the extended pedestrian corners of this revised junction. They replace the mature trees that were previously present on the roundabout. There is nothing before me to suggest that the improvement works were linked, in any way, to the advert previously consented.
7. Given the number and sizes of the trees removed from the roundabout, the Bingo Hall now appears to be more prominent in many views. I am satisfied that the position of the approved advertisement would remain clearly apparent to most users of the junction, even as the trees mature. Whilst I acknowledge the technical difficulties described with regard to actually attaching an advertisement to the building, I am not satisfied that this justifies a free-standing advert display that would be positioned away from the building. It is the intimacy of the consented advert to the building that ensures that it would be substantially less intrusive than the current proposal. I am not satisfied that this proposal represents the most suitable alternative.
8. I have had regard to the advertisements referred to by the appellant. Those attached to buildings and high walls demonstrate the reduced impact that is achieved by such an arrangement. The free-standing structures shown, appear as being substantially more prominent and therefore it is their individual context which must be carefully considered. In this case, the greater prominence of a free-standing advert, clearly separated from the building, would result in considerable harm to the visual amenity of this area. It would be significantly more harmful than the consented advertisement.
9. I agree with the council that the position of this advertisement would dominate rather than be integrated effectively into its surroundings; and it would not help to create an attractive place. It would be contrary to policies SP5(2b) and TC8(g) of Burnley's Local Plan 2018 as it would detract from the public realm

and have an adverse impact on the amenity of the area. The Regulations, the National Planning Policy Framework 2024 and the Planning Practice Guidance require that decisions are made only in the interests of amenity and public safety. The council's policies cannot therefore be decisive but I have taken them into account as material considerations.

10. In conclusion, whilst it is accepted that the proposed advertisement would not result in public safety concerns, it would result in unacceptable harm to the amenity of this area. None of the matters put forward by the appellant outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR