
Appeal Reference:	2021/A0195
Appeal by:	Mr Damien Scullion – KSD Ireland Ltd.
Appeal against:	The refusal of consent to display an advertisement
Proposed Development:	Digital Advertising Panel
Location:	Car Park at Junction of Lavinia Square and Ormeau Road, Belfast
Planning Authority:	Belfast City Council
Application Reference:	LA04/2021/1448/A
Procedure:	Written representations and Commissioner’s site visit on 24 th June 2024
Decision by:	Commissioner Gareth Kerr, dated 9 th July 2024

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposal would harm the visual amenity of the area.
3. For advertisements such as the appeal proposal that require express consent under Part 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, regulatory powers must be exercised only in the interests of amenity and public safety, taking into account the provisions of the local development plan (LDP), so far as they are material, and any other relevant factors. There are no public safety objections to the proposal.
4. The Council refused consent on 22nd November 2021 based on Policy AD1 of Planning Policy Statement 17 – Control of Outdoor Advertisements (PPS 17) and paragraphs 6.57 and 6.59 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) based on its impact on the visual amenity of the site and surrounding area. While the appeal was in progress, the Council adopted the Belfast Local Development Plan, Plan Strategy 2035 (PS) in May 2023. The PS supersedes regional policies which were retained during the transitional period including PPS 17 and the PS now provides the main policy context for the appeal. The provisions of the SPPS remain relevant. It refers to the need to respect amenity and to ensure that proposals do not detract from the place where advertising is to be displayed, or its surroundings. In particular, it is important to prevent clutter and to adequately control signs involving illumination.

5. In line with the transitional arrangements contained in the Schedule to the Local Development Plan Regulations 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the Plan Strategy (PS) read together. The Belfast Urban Area Plan 2001 (BUAP) operates as the relevant DDP. In it, the site is located within the development limit and is unzoned. The designations within the draft Belfast Metropolitan Area Plan 2015 (dBMAP) can also be of relevance during the transitional period. In it, the site is unzoned, but is adjacent to an arterial route and land zoned for housing (which has since been developed). As there are no material designations in the DDP or dBMAP, the appeal will be determined based on the policies of the PS and SPPS.
6. Policy DES4 of the PS relates to advertising and signage. It states that planning permission will be granted for advertisements and signage where it has been demonstrated that they:
 - a. Are of good design quality, are located sensitively within the streetscape and do not have a negative impact on amenity;
 - b. Will not result in clutter when read in addition to existing advertising and signage in the area;
 - c. Will not adversely impact listed buildings, conservation areas or ATCs and their settings; and
 - d. Do not prejudice road safety and the convenience of road users.In all cases applications for advertising consent will be expected to adhere to supplementary planning guidance.
7. No objections were raised in respect of built heritage designations or road safety, so the matters for consideration would fall under criteria a and b of the new policy. Both parties were afforded the opportunity to comment on the appeal proposal in light of the newly adopted policies of the PS, but neither chose to do so by the deadline given. However, as the pertinent issues were covered in the submitted evidence, albeit with reference to the now superseded policies, no prejudice arises and the appeal can be determined.
8. The Justification and Amplification to Policy DES4 recognises that the display of advertisements is an ever-increasing feature of our main streets and commercial centres. The council considers it important to control the proliferation of advertisements and signs, of increasing size, illumination and digitalisation that if placed insensitively can have a damaging impact on individual buildings, streets and areas of the city. It further explains that with regard to advertisements the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9. Paragraph 4.2.4 of the Council's Supplementary Planning Guidance (SPG) on Advertising and Signage states that all advertisements affect the appearance of the building or place where they are displayed. Given the potential impact of outdoor advertising on amenity, both positive and negative, there is a need to balance the requirements of the industry with the protection and, where possible, enhancement of the character and appearance of the city.
10. Section 5.9 of the SPG provides guidance on digital advertisements. It states that digital billboards can be an effective form of advertising and despite being more

costly compared to traditional billboards (at least initially), there has been increasing pressure for the installation of various types of digital advertisements across the city. However, by their very design and siting, digital advertisements can be visually prominent and 'attention focused' by way of their illumination and sense of movement particularly when they are large in size and in close proximity to each other. The design guidance notes that they are more suitable to predominantly commercial areas, industrial areas or along transport corridors and areas with larger buildings where signage can be integrated more effectively into architecture. They should avoid predominantly residential areas and where they could become the most prominent feature of the streetscene. Consideration should be given to the cumulative effect of digital advertisements when read with other advertisements and signs which would result in clutter to the streetscape.

11. The appeal sign is already in place and sits at the northern end of a small private car park on the lower Ormeau Road, adjacent to its junction with Lavinia Square and University Street. A digital screen measuring 5.8m x 2.9m faces south and is elevated over 2m above ground level on two steel posts. The area in which it is located is a busy arterial route leading to and from Belfast city centre and it displays a mix of residential and commercial land uses. Buildings range from two to four storeys in height. Commercial premises along this part of the Ormeau Road display a variety of signage and there are occasional larger billboard advertisements, often on the gables of buildings, though a significant number of these are unauthorised, or were subject to temporary consents which have expired. A double-sided paper advertising panel on the site was refused by the Council on 13th May 2021 for visual amenity and public safety reasons.
12. The Council argues that the size and scale of the advertising panel is inappropriate for the site and will impact the outlook for residents in the locality. The structure would be highly visible when approaching for some distance in both directions along Ormeau Road. They also state that it appears overly dominant within the streetscape. Other advertising in the area is mainly fascia signs. A large freestanding sign is uncharacteristic in this area and will contribute to clutter when read in conjunction with other advertisements, harming the character of the area. They raise concern that the digital panel, due to its illumination, would have a more harmful impact than a paper panel (which was previously refused) particularly at night or during inclement weather and the blank panel on the northern side would be visually incongruous and obtrusive within the streetscape.
13. The appellant contends that the advertisement panel shields the houses in Lavinia Square from the car park, a restaurant and oncoming traffic on the Ormeau Road. They say its position, size and scale is in keeping with other gable-end advertising panels and freestanding panels along the Ormeau Road (images of which were presented) and it acts as a bookend to the commercial development at its interface with the residential properties. They highlighted that no local residents objected to the application and stated that the appellant company used the screen to display community and charitable information. The illumination is on the commercial property side and would not affect residential amenity. They state that the site was formerly a petrol filling station with advertising panels on it.
14. The impact of any advertisement on the amenity of its surroundings will be affected by its size and scale and its siting within the streetscape. While most signs in the

area are of smaller scale and are fixed to buildings, the appeal sign is freestanding at a road junction which makes it appear as a dominant feature in the streetscape, particularly when travelling in both directions along the Ormeau Road. Although it is partially obscured by existing trees and street furniture when viewed from the footway approaching from the north (as shown in the appellant's photos), it is extremely prominent from the southbound traffic lanes and the blank rear of the screen with its horizontal emphasis is a visually incongruous feature in an otherwise fine-grained streetscape.

15. Approaching the sign from the south on the Ormeau Road, it is visible over a distance of at least 200m and becomes a dominant feature in views from the junctions with University Avenue as far as University Street, a distance of around 100m. Along this stretch of the road, the sign reads with other shop signage on both sides of the road. I consider that the addition of the appeal sign causes a proliferation of signage in general and that it results in clutter when viewed with the existing signage. Such a freestanding sign is uncharacteristic of advertisements on this part of the Ormeau Road. As the sign sits well above ground level, I do not agree with the appellant's contention that it shields the houses in Lavinia Square from the car park, a restaurant and oncoming traffic on the Ormeau Road as all these features can be seen under it from windows at ground floor level. In any case, I am not persuaded that it is desirable to screen views out of these houses, or that there is a need for a 'bookend' between the commercial and residential properties as suggested by the appellant. Although the absence of any objections from the occupiers of neighbouring properties is acknowledged, I consider the screen to have a negative impact on the amenity of the area in general.
16. The Council objects to the digital nature of the sign as being more harmful to amenity than a traditional paper display. However, as the luminance and timing of changes of advertisement on the screen could be controlled by planning conditions in accordance with industry standards, I am not persuaded that a digital advertisement would be inherently unacceptable compared to a paper display which would often be externally illuminated. However, the location of the digital screen in a prominent location in the streetscape remote from existing buildings results in a negative impact on the amenity of the neighbourhood. This is especially true given the mixed-use nature of its surroundings with a significant proportion of residential use. The SPG would direct such signs to more commercial or industrial areas, and they should be integrated into the architecture rather than stand-alone.
17. The appellant provided 19 photos of other billboard and free-standing advertisements displayed in the surrounding area, most of which appeared to have been taken at night, and which did not identify the location or planning history of the sign. The Council helpfully identified the location of most of these signs in their rebuttal statement and provided planning history information. Most of these signs are unauthorised, having had no consent, or a temporary consent which has expired. Some have become immune from enforcement action. Such unauthorised advertisements would not lend support to the appeal proposal. The Council was pursuing enforcement action on some of those which were not immune and one at 145 Ormeau Road (opposite the appeal site) had been removed when I visited the site.

18. Those examples cited which had consent were generally billboards mounted on the gables of buildings or screening of vacant or untidy sites for a temporary period pending redevelopment. As the appeal proposal is not mounted on a building and I do not consider the adjacent land to be untidy, the examples given do not stand on all fours with it.
19. Two of the free-standing advertisements adjacent to Ormeau Fire Station and at the junction with Donegall Pass were allowed on appeal around 10 years ago, but no details of the decisions or the circumstances pertaining to them were provided. One was given temporary permission which has now expired. However, I note that both of these signs are located within the city centre in a more commercial area where the surrounding buildings are generally of greater scale and massing. The location of the appeal sign in a mixed-use area beyond the city centre with significant residential use and a finer urban grain and streetscape is materially different.
20. No details were given for several of the photos submitted by the appellant, but they were wall mounted advertisements rather than freestanding ones as proposed in this appeal. The former use of the appeal site as a petrol filling station with advertising panels as stated by the appellant is noted. However, no details were given of how long ago this was, the nature of any such advertisements or whether they had consent. Therefore, the historic use cannot weigh in favour of the appeal proposal. Each proposal must be assessed in its evidential and locational context and direct comparables are rare. The other examples referred to do not, either individually or cumulatively, outweigh the policy objections to the proposal.
21. I consider that the appeal sign, because of its location and freestanding nature, is uncharacteristic to this part of the Ormeau Road where most lawful signage is smaller in scale and attached to buildings. It has not been located sensitively within the streetscape and has a harmful impact in long range views. The sign also contributes to clutter which is harmful to the amenity and character of the area. As such, it is contrary to criteria a and b of Policy DES4 of the PS and the relevant provisions of the SPPS. The claimed use of the screen to display community and charitable information would not outweigh the harm that is being caused to the amenity of the area. The Council has sustained its objections to the proposal on grounds of amenity. Therefore, the appeal must fail.

This decision is based on the following drawings:-

Council Drawing No.	Architect's Drawing No.	Title	Scale	Received by Council
01	LM01	Location Map	1:500	16 Jun 2021
02	D01	Site Layout	1:200	16 Jun 2021
03	D02	Elevations	1:50	16 Jun 2021

COMMISSIONER GARETH KERR

List of Documents

Planning Authority:-	A	Statement of Case Belfast City Council
	B	Rebuttal Statement Belfast City Council
Appellant:-	C	Statement of Case Durnien Surveyors