



Appeal Decision

Site visit made on 6 October 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/M2515/Z/20/3254283

Stoneacre Motorgroup, 108-116 Dixon Street, Lincoln LN6 7DA

- 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 Ltd (Mr Rob Smith) against the decision of Lincoln City Council.
 - The application Ref 2020/0233/ADV, dated 18 March 2020, was refused by notice dated 28 May 2020.
 - The development proposed is removal of 4no existing 48-sheet advertisement displays and Replacement with 2no illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is allowed, and planning permission is granted for the display of the advertisement as applied for. The consent is for ten 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) No individual advertisements displayed in the digital advertisement displays shall contain moving images, animation, video or full motion images that resemble road signs, traffic lights or traffic signs.
 - 2) No individual advertisements shall be displayed for a duration of less than ten seconds.
 - 3) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the displays.
 - 4) A mechanism shall be in place so that if a display breaks down it defaults to a black screen to avoid any flashing error messages or pixelation.
 - 5) The maximum luminance level of the advertisements displayed shall not exceed 300 cd/m² during non-daylight hours.

Main Issue

2. The main issue is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

3. The appeal site is a small narrow parcel of land adjacent to Dixon Street, which is busy with vehicular traffic and the surrounding area is generally commercial in nature.

4. The proposal that forms the subject of this appeal is to replace 4no existing 48 sheet advertisement displays with 2no digital 48 sheet advertisement displays in a 'V' shaped formation, they would be 6m x 3m as par the current displays, but slightly higher in overall height in comparison to the existing when mounted.
5. The displays would be visible on the south east and south west approaches for a short period of time for those driving on Dixon Street. There would be no visibility from the rear. There are various advertisements for commercial premises in the area and a totem sign for a supermarket, as well as the existing 4no sheet advertisement displays. There is limited impact on overall clutter and the removal of the 4no displays and replacement with 2no displays, albeit slightly taller in overall height will reduce the overall impact of visual clutter in the street scene.
6. Changing digital displays are a common feature in many busy commercial locations and I consider that the difference between a single advert display and a sequence of adverts that include no special effects, animation or movement would not increase the prominence of the advert so as to have a material impact on the appearance of the area.
7. Having viewed the site from a number of locations on Dixon Street, I am satisfied that the proposal would not stand out as an incongruous, intrusive or overly dominant feature in the street scene and accordingly there would be no harm to the visual amenity of the area.
8. The Council have drawn my attention to Policy LP27 of the Central Lincolnshire Local Plan (2017) which states the advertisements will be permitted subject to meeting design criteria, does not result in a cluttered street scene or would not cause a hazard to pedestrians or road users. Paragraph 132 of the National Planning Policy Framework has also been referenced and advises that the quality and character of places can suffer if advertisements are poorly sited and designed. I consider that the proposal would not conflict with these insofar as they are relevant to the appeal.
9. However, I must have regard to the powers under the Regulations to control advertisements which may be exercised only in the interests of amenity and public safety, taking into account material factors. IN my determination of the appeal the Council's policies have not themselves been decisive but are material considerations in the appeal.

Conditions

10. In addition to the five standard conditions that are set out in the Regulations, in the interests of public safety and amenity I have imposed conditions controlling the illumination, sequencing and length of displays, as well as a condition requiring the display to freeze in the event of a malfunction.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude the proposed advertisement would not be detrimental to visual amenity and the appeal should therefore be allowed.

Paul Cooper INSPECTOR