
Appeal Decision

Site visit made on 7 December 2020 by Andreea Spataru BA (Hons) MA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 February 2021

Appeal Ref: APP/W2465/Z/20/3259764

Advertising Right After 124, Humberstone Road, Leicester LE5 0AT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Clear Channel UK against the decision of Leicester City Council.
 - The application Ref 20200575, dated 24 February 2020, was refused by notice dated 29 July 2020.
 - The advertisement proposed is described as “upgrade of existing 48 sheet advert to support digital poster.”
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing 48 sheet advert to support digital poster as applied for. 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 maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m².
 - 2) No individual advertisements displayed on the advertisement shall contain moving images, animation, video or full motion images, or any images that resemble road signs, traffic lights or traffic signs.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 0.1 seconds or less.
 - 4) The advertisement display panel shall have a default mechanism to switch it off in the event of a malfunction or during periods of maintenance.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

4. The appeal site accommodates an advert attached to a three-storey building that is adjacent to a wide highway, Humberstone Road, which is a main route

to and from Leicester city centre. A large internally illuminated advertisement exists on the appeal site, with the drawings showing that the advertisement display measures 6m in width and 3m in height. There are other large non-illuminated and illuminated advertisements within proximity of the site.

5. The site falls within an area comprising a mix of commercial and industrial uses. The busy character of the main road and the large number of advertisements in the vicinity contribute strongly to the appearance of the area. The existing advertisement, which appears to have been in place for some time, occupies a prominent position within the streetscene. The evidence shown within the appeal statement indicates that previous to the existing internally illuminated advertisement, an externally illuminated advertisement was in place, in the same location.
6. The proposal would replace the existing advertisement display with an internally illuminated digital display of the same size and would be visible from similar vantage points. The proposed advertisement would change every 10 seconds and the interval between successive advertisements would be 0.1 seconds or less.
7. Whilst the advertisement would appear more modern and may, due to the changing displays, draw the eye more than the existing sign; given the character and appearance of the area, it would not appear intrusive or out of place. The level of illumination could be regulated by condition and the speed with which the advertisement changes and the prevention of video or moving images could also be controlled by condition. Furthermore, given that it would replace an existing advertisement which has been in place for some time, the proposal would not exacerbate the existing visual clutter.
8. For the reasons given above, I consider that the advertisement would not cause material harm to the visual amenity of the area. I have taken into account Policy CS3 of the Core Strategy, which seeks to ensure high quality public spaces and so is material in this case. Given that I have concluded that the proposal would not harm visual amenity, the proposal does not conflict with this policy.
9. Although not part of the reason for refusal, brief mention is made in the officer's report to the sign being a distraction to drivers when negotiating the busy road junction. However, I note the Highways Authority comment that the proposal generally is acceptable in highway safety terms, with which I agree.

Conditions and Recommendation

10. I have considered the comments made by the main parties regarding the necessity of conditions relating to the control of the luminance of the sign, moving images and the frequency with which the display changes. In the interests of public safety and visual amenity such conditions are necessary to make the proposal acceptable. The condition relating to the default mechanism in times of malfunction is also necessary in the interests of visual amenity and public safety.
11. Whilst I have taken into account the Highways Authority comments regarding the frequency with which the display should change, there is no substantive evidence before me to indicate that is necessary for the advertisement display

to not change more frequently than every 60 seconds, particularly as 10 seconds is the usual interval.

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be allowed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR