



Appeal Decision

Site Visit made on 15 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/W2465/Z/21/3270964

Blackbird Crossroads Motors, 1 Blackbird Avenue, Leicester LE4 0AD

- 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 Mr Rob Smith (Alight Media Ltd) against the decision of Leicester City Council.
 - The application Ref 20202400, dated 29 November 2020, was refused by notice dated 15 February 2021.
 - The advertisement proposed is described as replacement of existing 2 x 48 sheet and 1 x 96 sheet externally illuminated advertisement hoardings with 2 x 48 sheet freestanding digital advertising display units, measuring 6.2m wide x 3.2m high and comprising pressed metal frames with sealed LED screens.
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Decision

1. The appeal is allowed and express consent is granted for the replacement of existing 2 x 48 sheet and 1 x 96 sheet externally illuminated advertisement hoardings with 2 x 48 sheet freestanding digital advertising display units, measuring 6.2m wide x 3.2m high and comprising pressed metal frames with sealed LED screens 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 digital advertising display units permitted by this consent shall display static images only and not animated, scrolling, intermittent or flashing images, or directions to drivers at any time. The rate of change between successive images shall be no greater than 1 second with no swiping or other animated transition methods between successive images. The display time for each image shall be no less than 10 seconds.
 - 2) The digital advertising display units permitted by this consent shall have a default mechanism to switch it off in the event of a malfunction or during periods of maintenance.
 - 3) The intensity of the illumination of the digital advertising display units permitted by this consent shall be no greater than 600 cd/m² in the daytime and 300 cd/m² at night time.
 - 4) The digital advertising display units permitted by this consent shall not be displayed at the same time as the two 48 sheet advertising panels and single 96 sheet advertising panel on the site and as shown on the drawing numbered PY3934/001.

Preliminary Matter

2. The site address in the header is taken from the appeal form. It more accurately describes the location of the proposal than that on the application form.

Main Issue

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

Reasons

4. The site is on a busy signalised crossroads in an urban area. It contains a car sales business as well as advertisement hoardings that face onto Blackbird Road and Ravensbridge Drive.
5. The proposed units would be next to each other and near to the pavement along Blackbird Road. By reason of their height, size and position close to the highway, they would be visible when approaching the crossroads from all directions. However, they would be seen alongside traffic lights and other street furniture as well as in the context of a number of advertisements at buildings facing the road junction. Therefore, while the display units would be noticeable, in general terms they would be in keeping with their urban and commercial surroundings.
6. The proposal would be closer to Blackbird Road and so more prominent than the hoardings to be replaced, particularly when approaching from the north. However, the display units would be away from Ravensbridge Road and so they would be less prominent than existing boards when approaching the site from the east. Moreover, the scheme would reduce the overall amount of advertisement space and so would lead to a more open site compared to the existing situation. Subject to the units not being displayed at the same time as the existing panels, the proposal would lead to an overall reduction in clutter and so it would avoid an unacceptable cumulative effect.
7. The units would be different to the signs on and near the site as they would display digital images that change over short periods of time. However, the hoardings on site are externally illuminated and some of the other advertisements in the area are bright in colour. In the context of these signs and the nearby artificial light sources of traffic signals and street lamps, the illuminated displays would not appear incongruous.
8. For these reasons, I find the proposal would not have a harmful effect on the visual amenity of the area. I have been referred to policy CS03 of the Leicester City Core Strategy 2014 which seeks uncluttered street scenes. This policy does not specifically mention effects on amenity and so is of questionable relevance in the assessment of this appeal. In any case, the proposal would not conflict with this policy or the relevant parts of the National Planning Policy Framework.

Other Matters and Conditions

9. The Council does not claim the proposal would cause harm to public safety and there is no reason for me to arrive at a different view on this matter. However, to ensure the units would not unduly distract drivers at the busy junction, I impose a condition which places restrictions on the format of images that can

be displayed and transition methods. For the same reason, a condition is included that requires a default mechanism to turn off displays in event of a malfunction.

10. For public safety and amenity reasons, I attach a condition that relates to the intensity of illumination. To ensure the units would be acceptable on amenity grounds, a condition is imposed that prevents them being displayed at the same time as the existing advertisement panels.

Conclusion

11. For the reasons given above, I conclude that the proposal would not be detrimental to the interests of amenity. As such, the appeal should succeed.

Jonathan Edwards

INSPECTOR