
Appeal Decision

Site visit made on 27 January 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/G2435/Z/21/3282995

8 London Road, Coalville, LE67 3JA

- 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 The Wildstone Group against the decision of North West Leicestershire District Council.
 - The application Ref 21/00612/ADC, dated 26 March 2021, was refused by notice dated 22 July 2021.
 - The advertisement proposed is upgrade of existing 48 sheet advert to a digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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 additional conditions set out below:
 - 1) The existing box framed advertisement board, trough light and its associated brackets/fixings, shall be removed from the building prior to the installation of the new digital advertisement.
 - 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 cd/m² during the day time and 200 cd/m² at night time.
 - 3) The advertisement shall not display any moving or flashing images or sequencing of images over more than one advert.
 - 4) The advertisement shall not change more than once every 10 seconds and shall have an instantaneous changeover between adverts of no greater than 1 second.

Procedural Matter

2. An externally illuminated advertisement board is already mounted on the gable wall of 8 London Road. The appellant states there will be no change to the size or location of the billboard. However, the size and location of the existing board on the building appears wider and higher than that shown on the application drawings, projecting slightly above the rear roof plane. For the avoidance of doubt, this decision is based upon the position of the proposed advert as shown on the submitted drawings.

Main Issues

3. The main issues are the effect of the proposed digital advertisement board on amenity and public safety.

Reasons

Amenity

4. London Road is a busy street comprising a mixture of residential and commercial uses. The advert would be located on the flank wall of a row of terraced houses that are built up to the edge of the pavement. Immediately adjacent to the site there is a public house, this is set back from the road. There is a Council Registry Office building and a public car park on the opposite side of London Road and a petrol filling station and shops nearby. There is, therefore, a significant amount of signage in the area, some of which is illuminated. Whilst I visited the site during the daytime it would appear, from the type and number of street lights I saw, that the area is well lit at night-time.
5. The reason for refusal refers to the adjacent Coalville Conservation Area (CCA), which is a heritage asset. No other heritage assets are referred to by the Council. The proposed digital advertisement board would be mounted on the north west facing flank wall of an unlisted terraced house and would not be visible on the approach into the CCA from the south east. The decision notice states that the advertisement would not conserve or enhance the significance of the setting of the CCA. However, there is nothing before me to explain what the significance is of the setting of the CCA or how that significance would be harmed by the proposal.
6. The proposed new digital advertisement board would replace an existing poster board of similar size. The existing poster board has a thick chunky white box frame and its top right hand corner projects above the rear roof plane of the house. The white trough light, which projects out from the gable wall, extends the full width of the advert. It is evident that beneath the current poster board there is another former advertisement display board, which is set into the pebbledash wall.
7. Schedule 3, Part 1, Class 13 of The Town and Country Planning (Control of Advertisements (England) Regulations 2007 (as amended) confirms that an advert displayed on a site continually for 10 years without any express consent will benefit from deemed consent. That would appear to be the case here and the Council has not disputed this or suggested that any action has ever been taken to remove the current or previous adverts on the building. Accordingly I have given significant weight to the existing illuminated poster board in my assessment of impact on the amenity of the area.
8. The proposed digital advertisement board would be slightly smaller and slimmer than the existing box framed advert it would replace and unlike the existing advert, it would not project beyond the roof plane of the house to which it would be attached. Its internal illumination would enable the removal of the existing large projecting trough light. The new advert would require minimal maintenance and would have a much cleaner, simpler, higher quality appearance than a paper and paste board, which can quickly become unsightly.

9. Whilst I acknowledge that the digital advert would appear brighter than the paper one and would be illuminated day and night, the appellant has advised that the luminance levels would be adjusted on site to be comparable to that of the existing sign. It would not be cost effective or energy efficient to have higher levels of luminance than necessary. Conditions have been invited for a maximum night time luminance level of 200cd/m², which I consider would be reasonable in the interests of amenity given the size of the advert and its suburban location. The appellant has also invited a condition requiring the digital screen to be switched off entirely between 00:00-05:00hrs. However, in this particular case, there is no evidence before me to justify such a condition in the interests of amenity and public safety. This of course does not prevent the owners from doing so in order to reduce energy consumption and operating costs.
10. There is nothing historic, traditional or sympathetic about the existing substantial advertisement board and projecting trough light. To my mind the replacement of these with a higher quality digital sign would improve the amenity of the area therefore enhancing the setting of the adjacent CCA. I therefore conclude that the digital advertisement board would not be detrimental to the visual amenity of the area.
11. I have taken into account policy He1 of the North West Leicestershire Local Plan, which seeks to conserve or enhance the significance of heritage assets, including their setting and is therefore material in considering the effect on amenity. As I have concluded that the advert would be an improvement on the one it would replace, the proposal does not conflict with this policy. The shopfront design guide is of little relevance given that the proposal does not relate to a new shop front or to a shop front advertisement. I also find no conflict with the National Planning Policy Framework (the Framework). Paragraphs 197-202 of the Framework are only relevant to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Public Safety

12. Due to the position of the advert on the gable wall, it would only be visible to drivers approaching from Hotel Street and the junction of Whitwick Road. London Road has a 30mph speed limit and vehicles are not therefore travelling at high speeds. There is a pedestrian crossing point controlled by traffic lights, a junction, a bus stop and the entrance to a large public car park nearby, all of which slow traffic down. I note that there have been 5 personally injury collisions recorded within 500 metres of the site within the last 5 years. However, these incidents were related to road junctions and the petrol filling station entrance, not the illuminated advert that has been present for many years.
13. The highway authority is concerned that the changing notices and images on the digital advertisement board would be a distraction to motorists, which would in turn be a risk to the public. However, digital signs are commonly located on buildings, bus stops and free standing structures adjacent to both busy and fast flowing highways. Conditions can be imposed to control luminance levels, the frequency and speed of the changing displays and to prevent flashing or moving images that would potentially cause greater levels of distraction to passing vehicles.

14. I therefore conclude that the replacement illuminated advertisement board would not be detrimental to public safety. I have not taken into account policy IF4 of the North West Leicestershire Local Plan, which relates to the provision of new infrastructure and is not relevant to public safety in so far as advert consent is concerned. I also find no conflict with the Framework.

Conditions

15. The standard advertisement conditions are necessary in the interests of safeguarding visual amenity and public safety. The Council has not suggested any additional conditions it would consider necessary in the event the appeal is allowed. However, as part of my reasoning for allowing the appeal is the amenity improvement that would result from the removal of the large box sign and trough light, I have conditioned the removal of the existing trough light, which would not necessarily require removal to enable the new advert to be installed. I also consider that conditions are necessary to ensure the advert retains a similar level of luminance to that of the existing sign and to ensure that there are no flashing or moving images, in the interests of amenity and public safety.

Conclusion

16. For the reasons given above I conclude that the proposed digital advertisement would not be harmful to amenity or public safety. Consequently the appeal is allowed.

Rachael Bartlett

INSPECTOR