



Appeal Decision

Site visit made on 7 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/D2320/Z/21/3284148

Ar Rahmah Academy, 142 Lyons Lane, Chorley PR6 0PJ

- 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 John Evans, Scanlite Visual Communications Ltd, against the decision of Chorley Borough Council.
 - The application Ref 21/00756/ADV, dated 15 June 2021, was refused by notice dated 10 August 2021.
 - The advertisement proposed is 1 x 48 sheet gable mounted digital advertisement display unit measuring 6380mm wide x 3500mm high.
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Decision

1. The appeal is allowed and express consent is granted for a 48 sheet gable mounted digital advertisement display unit measuring 6380mm wide x 3500mm high at Ar Rahmah Academy, 142 Lyons Lane, Chorley PR6 0PJ in accordance with the terms of application Ref 21/00756/ADV, dated 15 June 2021, subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The level of illumination shall be no greater than 300 candelas per square metre during the hours of darkness and 600 candelas per square metre at all other times.
 - 2) The advertisement display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
 - 3) The advertisement display shall have a default mechanism to turn off or display a black screen in the event of any malfunction.
 - 4) The individual advertisements shall contain no moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 - 5) The minimum display time for any advertisements shall be 10 seconds and the change between advertisements shall be instantaneous.

Main Issue

2. The effect of the proposal on the amenity of the area.

Reasons

3. The proposed advertisement would occupy an elevated position on the gable wall of 142 Lyons Lane; a 3 storey building located within an area with a mixed character. There are residential properties in the locality, however the

proposed advertisement would directly face a commercial unit. There are other commercial uses in the immediate vicinity, with various associated advertisements.

4. The proposed advertisement would display static, digital images which could change instantaneously every 10 seconds. Given its size, method of display and positioning it would be readily apparent in the street scene, particularly when travelling along Lyons Lane towards the town centre. Whilst it would be a noticeable and prominent feature, it would nevertheless assimilate well with its immediate commercial setting and would not contribute to an overly cluttered street scene. The details of the operation of the advertisement could be appropriately controlled via conditions to ensure it would not raise concerns in other respects.
5. Consequently, the proposed advertisement would not result in unacceptable harm to the visual amenity of the area. The Council has not drawn my attention to any development plan policies however it has referred to paragraph 136 of the National Planning Policy Framework (the Framework) in its decision notice. Although not decisive, in so far as it is a material consideration, the proposal would accord with the Framework's aim to ensure that the design and siting of advertisements do not harm the character of the area.

Conditions

6. The Council has not provided a list of conditions in the event that the appeal was to be allowed however the appellant has suggested a number of conditions they would be agreeable to. These relate to the control of illumination, moving images and frequency with which the display changes. In the interests of public safety and visual amenity I consider such conditions to be necessary however I have undertaken some minor editing where necessary.

Conclusion

7. For the reasons given above the appeal should be allowed.

H Ellison

INSPECTOR