



Appeal Decision

Site visit made on 27 September 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23.10.2023

Appeal Ref: APP/W2465/Z/23/3323139

393 Aylestone Road, Leicester LE2 8TB

- 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 Paul Hardy of Vivid Outdoor Media Solutions (A) Ltd against the decision of Leicester City Council.
 - The application Ref 20230338, dated 28 February 2023, was refused by notice dated 24 April 2023.
 - The advertisement proposed is 1 x 48 sheet freestanding LED illuminated advertising display unit, measuring 6.2m in width x 3.2m in height and comprising a pressed metal frame and sealed LED screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of 1 x 48 sheet freestanding LED illuminated advertising display unit, measuring 6.2m in width x 3.2m in height and comprising a pressed metal frame and sealed LED screen 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 level of illumination should not exceed 300cd/m² during twilight and night hours (dusk until dawn), in accordance with the terms of the Institution of Lighting Professionals, Professional Lighting Guide 2015 recommendations for maximum luminance (cd/m²).
 - 2) The luminance level of the display should be controlled by ambient environmental control, which would automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level.
 - 3) The approved display should contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
 - 4) No individual advertisement on the LED screen will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 - 5) There shall be a smooth uninterrupted transition from one image to another. Transitions shall be instantaneous, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

Main Issue

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

Reasons

3. The appeal site comprises a triangular parcel of land at the entrance of an access road which serves an existing industrial estate which contains vehicle related businesses including a repair shop and a windscreen repair centre. It is part of a mixed-use area which includes retail warehouse stores, car sales and repairs along with residential uses, predominantly on the other side of the road. The appeal site itself is adjacent to extensive vegetation and is separated from the commercial buildings by the River Soar. This creates a green back drop to the mixed-use area which makes a significant contribution to the character and appearance of the area.
4. The proposed display unit would face towards traffic travelling in a north-easterly direction along Aylestone Road and would sit comfortably against the existing green backdrop, which would help to soften its appearance. It would be compatible with the existing mixed-use character of the area and would appear as a harmonious addition to the streetscene as the proposed width and height of the proposed advertisement would be comfortably accommodated on the appeal site.
5. I therefore conclude that the proposed advertisement would not have an unacceptable impact on the visual amenity of the area. As such it would comply with the National Planning Policy Framework (the Framework) which sets out that the quality and character of places can suffer when advertisements are poorly sited and designed. I have also taken account of Policy CS03 of the Leicester City Local Development Framework - Core Strategy adopted in July 2014. Given my findings in relation to visual amenity, the proposal would accord with this policy which seeks to ensure that development responds positively to its surroundings and is appropriate to the local setting.

Other Matters

6. In the delegated report it is noted that the appeal site is within close proximity to a river and consequently the Environment Agency were consulted who advised that given the proximity it may be necessary for the appellant to obtain a permit or exemption under the Environmental Permitted (England and Wales) Regulations 2016. Further, the Conservation Officer highlighted that given that an exemption permit will include working methods to minimise impact the proposal is acceptable from an ecological perspective. Given the permit process is entirely separate, this has not had a bearing on the outcome of this appeal, and it is not necessary to impose a condition in relation to this matter.

Conditions

7. In addition to the five standard conditions, I have considered the conditions suggested by the Council and the appellant. Where necessary in the interests of precision and enforceability and taking account of the guidance in the Framework, I have adopted the most suitable wording.
8. In the interests of highway safety and amenity, it is necessary to impose conditions relating to brightness during twilight and the hours of darkness, luminance levels, to prevent moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals and to ensure the display will turn off in the event of a malfunction. In relation

to brightness, given the position of the proposal in relation to its surroundings it is not necessary to impose a restriction on the brightness during daytime hours.

9. Given the position of the display unit relative to its surroundings, including its proximity to the highway, I do not consider it necessary to impose a condition requiring that each image is displayed for no less than 30 seconds, which was suggested in the Council delegated report, but not in their suggested conditions contained within the appeal questionnaire. However, it is necessary to impose a condition to ensure a smooth uninterrupted transition for advertisements and that no individual advertisement shall be displayed for a duration of less than 10 seconds.

Conclusion

10. For the reasons set out above and having regard to all matters raised, the appeal is allowed.

S Rawle

INSPECTOR