



Appeal Decision

Site visit made on 26 February 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/A5270/H/22/3308143

Motec Auto Centre, Greenford Road, Southall, Middlesex UB1 3EB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against conditions imposed when granting express consent.
 - The appeal is made by Clear Channel UK against the decision of London Borough of Ealing.
 - The application Ref 223563ADV was approved on 30 September 2022 and express consent was granted for the display of an advertisement subject to conditions.
 - The advertisement permitted is Installation of a freestanding internally illuminated (3m x 6m) digital display with static images on rotation and ancillary vertical meadow board below (2.5m x 6m) (following the removal of the existing signs x 3) (Advertisement Consent).
 - The condition in dispute is No 3 which states that: the illumination of the sign(s)/advertisement(s) shall comply with the recommendations of the Institution of Lighting Professionals in their guidance document PLG05 Brightness of Illuminated Advertisements, 2015, including the following operational features:
 - o Static images to be displayed only (no moving or flashing images);
 - o Changes between adverts to take place instantly with no sequencing, fading, swiping or merging of images;
 - o Maximum level of illuminance to be set to 300cd/m² (more than 10m²) and 600 cd/m² (no more than 10m²) in accordance with ILP Guidelines;
 - o Advertisements to change no more frequently than once every ten seconds.
 - The reason given for the condition is: to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policy D3, D4, T3 and T4 of the London Plan (2021) and Policy 7B of the Ealing Development Management DPD (2013).
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Decision

1. The appeal is allowed and the express consent Ref 223563ADV for installation of a freestanding internally illuminated (3m x 6m) digital display with static images on rotation and ancillary vertical meadow board below (2.5m x 6m) (following the removal of the existing signs x 3) (Advertisement Consent) at Motec Auto Centre, Greenford Road, Southall, Middlesex UB1 3EB granted on 30 September 2022 by London Borough of Ealing, is varied by deleting condition 3 and substituting it for the following condition:
 - 3) The illumination of the sign(s)/advertisement(s) shall comply with the recommendations of the Institution of Lighting Professionals in their Guidance Document PLG 05/23 the Brightness of Illuminated Advertisements including Digital Displays, 2023 (or its equivalent in a replacement guide), including the following operational features:
 - static images to be displayed only (no moving or flashing images);

- changes between adverts to take place instantly with no sequencing, fading, swiping or merging of images;
- maximum level of illuminance to be set to night-time and daytime levels in accordance with Institution of Lighting Professionals Guidelines;
- advertisements to change no more frequently than once every ten seconds.

Procedural Matter

2. Since the determination of the application, the Institution of Lighting Professionals Guidance Document PLG 05 The Brightness of Illuminated Advertisements, 2015 has since been updated. I have been provided with the relevant sections of the updated document which both parties have had the opportunity to comment upon in relation to the condition and I have determined the appeal accordingly.

Background

3. Express consent was granted for the installation of a freestanding internally illuminated (3m x 6m) digital display with static images on rotation and ancillary vertical meadow board below (2.5m x 6m) (following the removal of the existing signs x 3) (Advertisement Consent). A condition controlling the illumination of the sign(s)/advertisement(s) was imposed to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting. The proposed development seeks to vary condition 3 to enable the displays' brightness to operate as per the Institution of Lighting Professionals Guidance.

Main Issue

4. The main issue is the effect that varying the condition would have on the amenity of occupiers of surrounding premises by artificial lighting.

Reasons

5. The Institute of Lighting Professionals in their Guidance Document PLG 05/23 The Brightness of Illuminated Advertisements including Digital Displays, 2023 sets out the recommended maximum night-time permitted values of display luminance taking into account different environmental zones and also the recommended maximum daylight permitted values of sign luminance. It explains that during the daytime, the background ambient lighting level is generally considerably higher than at night, and therefore the recommended maximum permitted value of sign luminance needs to be increased. Amongst other operational features, condition 3 of the permission restricts the maximum level of illuminance to be set to 300cd/m² (more than 10m²) and 600 cd/m² (no more than 10m²). However, during daytime, recommended levels are considerably higher with the limit being dependent on the ambient lighting conditions and as such, will be variable depending on the time of day, time of year and weather. The recommended maximum luminance levels ensures that whilst the display remains legible, it does not have a negative impact on local amenity or public safety.
6. The advertisement in this appeal sought a maximum daytime brightness of 3000 cd/sqm and a maximum night-time brightness of 300 cd/sqm. These levels are claimed to correspond with testing of the display type in various conditions and locations across the UK. The appellant also confirms the

presence of an integral ambient light sensor, to help regulate the brightness relative to the prevailing level of ambient light, and a system which takes into account the changing times of sunrise and sunset throughout the year. Such levels would comply with the recommendations of the Institute of Lighting Professionals Guidance and thus would ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting.

7. For the reasons given above, I conclude that the proposed variation of condition 3 of reference 223563ADV would ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting. It would therefore accord with Policies D3, D4, T3 and T4 of the London Plan, 2021 and Policy 7B of the Development Management Development Plan Document, 2013 which together, amongst other matters, requires new development to achieve a high standard of amenity for users and for adjacent uses.

Conditions

8. The Council and the appellant have both provided suggested conditions which I have considered in light of the National Planning Policy Framework and Planning Practice Guidance as well as the Institution of Lighting Professionals Guidance which has since been updated as set out above. Given that the night-time and daytime luminance levels are clearly set out within the Institution of Lighting Professionals in their Guidance Document PLG 05/23 the Brightness of Illuminated Advertisements including Digital Displays, 2023, then I find it necessary to apply a condition relating to accordance with these levels. This would ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting.

Conclusion

9. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

N Teasdale

INSPECTOR