



Appeal Decision

Site visit made on 30 June 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/N470/Z/20/3250318

Fairfield House, New Craven Gate, Hunslet, Leeds LS11 5NF

- 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 Matt Swindles against the decision of Leeds City Council.
 - The application Ref 19/07270/ADV, dated 21 November 2019, was refused by notice dated 10 February 2020.
 - The advertisement proposed is Upgrade of 1 x 48 sheet digital LED display unit.
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Decision

1. The appeal is allowed and consent is granted for the display of 1 x 48 sheet digital LED display unit. 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 together with the conditions attached in the Schedule.

Main Issue

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

Reasons

3. The appeal site forms part of the industrial/commercial estate of New Craven Gate to the south side of the city of Leeds. This part of New Craven Gate is elevated above the M621 motorway. The existing 48 sheet advert is positioned perpendicular to Fairfield House.
4. In respect of advertisements, they are only subject to control in the interests of amenity and public safety. With regards to public safety, no concerns have been raised by the Council to their location or illumination levels from a public safety perspective, and I have no reason to disagree with these findings.
5. Whilst an existing static internally illuminated sign has been in place for some time, the Council explains it does not have the benefit of express consent. However, I would argue that the sign has become a recognised feature that is well assimilated into the area.
6. Furthermore, there is a general expectation that 48 sheet advertising can form part of the environment of a commercial setting. This is also recognised within the Leeds Council Advertisement Design Guide Supplementary Design Guide 2006, that states that adverts will generally be considered appropriate within industrial and commercial areas.

7. The proposed height of the digital display would largely correspond with that of the height of adjacent Fairfield House. Its proposed flat screen and flat frame, would relate well to the adjacent flat elevations of Fairfield House. This, combined with its relationship and the size of the proposal would be approximately the same dimensions as the existing, the advertisement would not appear visually discordant. A new digital screen as proposed, would, I reason, become established within the street scene.
8. It would be visible from the M621 when travelling in a northerly direction. It would however be located in an elevated position, and within close proximity to the commercial premises of New Craven Gate. As the character of the area here is dominated by large commercial buildings, given its elevated position and its commercial backdrop, it would be visible to drivers from some distance away, although read against the commercial setting.
9. The estate road in front of Fairfield House comes to a dead end close to the appeal site. Due to the position of the signage, it would only be experienced from a very limited vantage here. Given the existing sign is in place within the street scene, whilst a digital sign would introduce a new digital form of advertisement, however, this would not appear visually strident or intrusive here, or harmful to the visual amenities of the wider area.
10. The Council comment that together with another permitted advertisement within approximately 100m of the area, would appear as clutter. However, the Council have not provided any information regarding this signage and I therefore cannot consider this as part of my assessment. Having assessed the proposal in this location, I do not consider the proposal would be seen to resemble visual clutter in this area.
11. Although I note there are no objections raised by Highways England, I am aware of the Council's Transport Development Services response. They recommend conditions regarding the static nature of display, transition of images, display change times, illumination levels and light sensor adjust mechanism, and a default system. These would be required in order to protect both the amenity of the area and highway safety, and I find no reason to disagree with these suggested conditions.
12. The appeal signage in this location would not therefore be in conflict with the Council's Core Strategy Leeds Local Plan Amended 2019 as it would accord with the design aims of Policy P10. It would not be contrary to the Council's 'saved' Unitary Development Plan 2006 Policies BD8 for signs to be well designed, sensitively located and relate to the building in which they are placed, and GP5 to resolve planning considerations including design, and to maximise highway safety, amongst other considerations. Furthermore, it is not in conflict with the general advice contained within the Advertisement Design Guide Supplementary Design Guide 2006. Nor would the sign be in conflict with paragraph 132 of the National Planning Policy Framework.
13. For the reasons outlined above, the appeal is allowed.

Alison Scott

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) There shall be no moving images or special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
- 2) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction).
- 3) The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features or equipment which would allow interactive messages or advertisements to be displayed.
- 4) The screen display shall be erected with a mechanism installed in order that, if the installation breaks down, it defaults to a blank black screen in order to avoid any flashing error messages or pixilation.
- 5) The screen display panel shall at all times be fitted with a light sensor to adjust the brightness to changes in ambient light levels.
- 6) At no time shall the Luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 - The Brightness of Illuminated Advertisements 2015 (or any subsequent amendment/replacement to this guidance).

END OF SCHEDULE