
Appeal Decision

Site visit made on 11 June 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/N4720/Z/24/3342508

Advertising Right 5730 at 75 New Road Side, Horsforth, Leeds LS18 4QD

- 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 Warren Milroy (Vivid Outdoor Media Solutions C Limited) against the decision of Leeds City Council.
 - The application Ref 24/00327/ADV, dated 12 January 2024, was refused by notice dated 26 February 2024.
 - The advertisement proposed is installation of 1 x 48 sheet gable mounted led illuminated advertising display panel, measuring 6.2m wide x 3.2m high and comprising pressed metal frame with sealed led screen.
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Decision

1. The appeal is allowed and express consent is granted for installation of 1 x 48 sheet gable mounted led illuminated advertising display panel, measuring 6.2m wide x 3.2m high and comprising pressed metal frame with sealed led screen. 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:
 - The intensity of luminance of the advertisement shall be no greater than 300 candela per square metre during the hours of darkness;
 - No individual advertisements displayed on the panels shall contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs;
 - The interval between successive displays shall be instantaneous (1 second or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays;
 - The sequential advertisement on any display panel shall not change more than once every ten seconds; and
 - The approved display should contain at all times a feature that will turn off the screen in the event that the display experiences a malfunction or error.

Procedural Matter

2. The description of the proposal varies from the application form to the decision notice. That on the application form clearly describes the proposal and I have considered the proposal on this basis.

Main Issues

3. The main issues are the effect of the advertisement on the visual amenity of the area and public safety.

Reasons

Visual Amenity

4. Advertising on the street is generally restricted to ground floor level in the form of fascia and other signs. However, it is the case that this section of the street is heavily dominated by commercial premises, especially on its southern side. The immediate area is busy, with regular comings and goings, the site being set on a strategic traffic route in and out of Leeds carrying significant vehicle flows.
5. The elevation of the building where the advertisement would be placed is rather utilitarian in appearance and the views towards it are dominated by advertisements. The building also features plant which is visible from the street above first floor level.
6. Given that this is the case, an LED illuminated advertising display panel, even if placed at height on the elevation of the building would not be obtrusive and would have no significant adverse impact on the visual amenity of the area given that further advertising would not appear out of place with regard to the existing character and appearance of the area.

Public Safety

7. There are a number of road junctions within the vicinity of the site of the advertisement as well as a bus stop served by multiple buses per hour. I accept that there are significant levels of vehicle and pedestrian movement in the area and I observed the bank of car parking spaces to the front of the appeal site off New Road Side (A65).
8. However, the advertisement would be at height and there is no evidence to indicate that the mere presence of the digital advertising display, which are not uncommon features within urban parts of large cities would be so distracting to road users such that the proposal would have any significant adverse impact on the safe operation of the highway. There would therefore be no significant adverse impact on public safety.

Other Matters

9. The Council has cited policies P10 of the Leeds Core Strategy (2019) and saved policies BD8, BD12, GP5 and T2 of the Leeds Unitary Development Plan Review (2006) along with the Leeds Advertising Design Guide Supplementary Planning Document (2006).
10. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies

and guidance into account, they have not been a decisive consideration in my determination of this appeal.

11. The Council do not consider that there would be any significant impact on residential amenity which can be considered part of visual amenity, and I have no reason to disagree. There is nothing to indicate that such a proposal would have any unacceptable environmental impact including with regard to matters such as energy consumption.

Conditions

12. Although not suggested by the Council, in addition to the five standard conditions set out in the Advertisement Regulations some further conditions are necessary. They prohibit moving images and regulate the frequency of image changes and the level of illumination in the interests of public safety. A condition requiring the screen to turn off in the event of a malfunction is also necessary.

Conclusion

13. For the reasons above, the appeal should be allowed.

T Burnham

INSPECTOR