



Appeal Decision

Site visit made on 6 November 2024 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/U5360/Z/24/3350756

121 City Road, Hackney, London EC1V 1JB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Philip Allard of Wildstone Estates Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2024/0399.
 - The advertisement proposed is the display of motion advertising and artwork on the 3m x 6m digital LED display at 121 City Road.
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Decision

1. The appeal is allowed and express consent is granted for the display of motion advertising and artwork on the 3m x 6m digital LED display at 121 City Road, Hackney, London EC1V 1JB in accordance with the terms of the application, Ref 2024/0399. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the attached schedule of conditions.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has referenced development plan policies it considers to be relevant to this appeal and I have taken these into account where they are material. However, powers under the Town and Country Planning (Control of Advertisements) Regulations 2007 (The Regulations) to control advertisements, may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination.
4. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published the revised National Planning Policy Framework (the Framework) on 12 December 2024. I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my recommendation with regard to the revised Framework.

5. The advertisement is already in place and has consent for the display of static advertisements. The appeal refers to the display of motion content on the existing advertisement only.

Main Issue

6. Paragraph 141 of the National Planning Policy Framework (Framework) states that advertisements should be the subject to control, only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has concluded that the advertisement would not harm visual amenity, nor would it affect the setting of the nearby Moorfields Conservation Area or the Grade II listed Former Leysian Mission. This is not disputed. The main issue is the effect of the proposed advertisement on public safety.

Reasons for the Recommendation

7. The advertisement is on the side of a building, facing the Old Street Underground Station entrance and junction between Old Street City Road and the A501. The existing advertisement is made up of a larger digital advertisement in a portrait orientation, with a number of smaller digital panels above and to the right of it. The type of content displayed on the advertisement would change to display motion advertising which is a change from the static digital advertisements that are currently displayed.
8. During my site visit I observed the existing advertisement, and the way in which the smaller panels contributed to the large LED display, through displaying different colours, logos or QR codes.
9. The road layout near the appeal site has been recently updated, and there are two lanes of traffic which face onto the advertisement when driving along City Road. While the junction is complex, and the advertisement is visible from the junction, it is unlikely to be in the eyeline of road users when navigating the junction. In this respect, the advertisement would not pose any greater risk to highway safety than the existing advertisement.
10. The Appellant has provided a Highways Technical Note dated October 2023 prepared by Axis, which outlines accident data for the area, and provides evidence and case studies from other areas of the UK. The evidence provided by the Appellant, which includes data from Transport for London, has not been countered by any substantive evidence to the contrary by the Council. The evidence submitted by the Appellant concludes that the motion advertisement would not be any greater risk to road users than a static digital advertisement in this location.
11. The Council contends that the portrait orientation of the advertisement is similar to a mobile phone and would therefore cause more accidents. Although the motion display would share some characteristics with a mobile phone, their uses are considerably different, with a mobile phone requiring active input from the user, while the advertisement is observed passively, with no action required by the viewer. As such, the two are not comparable.
12. Accordingly, the proposed advertisement would not be harmful to public safety. In accordance with the Regulations, I have taken into account Policies D8 and T4 of the London Plan 2021, and Policies PP1, PP5, LP41 and LP43 of the Hackney Local Plan (2020), which collectively seek to ensure proposals

contribute to a safe road environment. As I have concluded that the proposal would not harm public safety, the proposal would accord with these policies.

Conditions

13. In addition to the five standard conditions set out in the Regulations, a number of other conditions have been suggested by the Appellant and which the Council was provided the opportunity to comment on. I have recommended that the intensity of the illumination should reflect ambient light conditions in the hours of daylight, and limited during the hours of darkness to ensure that the advertisement does not affect amenity. In the interests of public safety, I have also recommended that the advertisements do not change more frequently than every ten seconds, and that the changes are instantaneous. Similarly, a condition requiring the advertisement to default to a black/blank screen is also required in the interests of public safety.
14. I have further recommended a condition which deals directly with the motion content element, in the interests of public safety and visual amenity. A condition to monitor accident data is also required in the interests of public safety. Finally, the Appellant suggested a condition to ensure that the motion content is controlled in line with the submitted Content Management Plan. Both the Appellant and Council were given the opportunity to comment on that suggested condition. However, it has not been demonstrated that such a condition is necessary. Where necessary I have altered the wording of the suggested conditions in the interests of precision.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the five standard conditions and attached schedule of conditions.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m² in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).
- 2) The minimum display time for each advertisement shall be no less than 10 seconds.
- 3) Changes between advertisements to take place instantly with fade effect and no other sequencing, fading, swiping or merging effects.
- 4) The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error.
- 5) The signage will display motion content subject to the following:
 - Signage will not be illuminated by intermittent or flashing lighting;
 - Any changes to brightness will be made so as to not cause visual distraction through significant adjustments to screen brightness at any one time;
 - A maximum length of three minutes for a single piece of content; and
 - No “live” content shall be displayed unless it has been previously approved in writing by the Council of the London Borough of Hackney and Transport for London.
- 6) Eighteen and thirty-six months after the commencement of motion content on the displays, accident reviews in the form of a detailed report comparing and analysing accident data before and after implementation shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London. Should the analysis demonstrate any pattern of increased accident rates in proximity to the site, the display shall operate without motion pending further investigation.