
Appeal Decision

Site visit made on 13 April 2017

by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 May 2017

Appeal Ref: APP/N4720/Z/17/3157297

Gable of 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS

- 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 O'Sullivan (on behalf of Insite Poster Properties Ltd.) against the decision of Leeds City Council.
 - The application Ref 16/06021/ADV, dated 21 September 2016, was refused by notice dated 22 November 2016.
 - The advertisement application is for the replacement of an existing 96-sheet advertising display with 48-sheet digital display.
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Decision

1. I allow the appeal, and grant consent for the replacement of an existing 96-sheet advertising display with 48-sheet digital display on the Gable of 295 Dewsbury Road, Hunslet, Leeds, LS11 5LS, as applied for. The consent is for 5 years from the date of this decision and is subject to the standard conditions as set out in the Regulations, as well as the following additional conditions below:
 1. The advertisement hereby approved shall operate at an illumination level no greater than 600 cd/m² during the day and 300 cd/m² at night.
 2. 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.
 3. There shall be no 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.
 4. 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.

Main Issue

2. The National Planning Policy Framework (the Framework) sets out at paragraph 67 that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
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3. In this instance, there is no indication that the advertisement would result in an adverse effect on the amenity of the area, with the Council offering no objections to the advertisement on this ground. On the basis of my observations of the existing appeal site and its environs, this is a conclusion with which I would agree. However, the Council has raised concerns in respect of the impact of the digital display on public safety related to highway users.
4. As a consequence, the main issue is the effect of the advertisement on public safety.

Reasons

5. As with the existing 96-sheet internally illuminated advertisement, the proposed digital LED display would occupy a prominent position on the commercial building within the street scene facing towards north-east bound traffic on the A653 Dewsbury Road, and would be visible across an adjacent car sales area and for a considerable distance.
6. In close proximity to the location of the advertisement are the traffic lights associated with the junction between Dewsbury Road and Garnet Road/Parkside Lane, as well as a pedestrian crossing, and the vehicular access to a fire station. I also noted that the north-east bound carriageway at this point accommodates two lanes, one of which acts as a filter for right-turning traffic on to Garnet Road/Parkside Lane, and that there is a bus stop in close proximity to the junction between Dewsbury Road and Woodview Grove. There are also multiple junctions between residential streets and Dewsbury Road, as well as to commercial premises located on the same side of Dewsbury Road as the advertisement, all of which allow access and egress through the central reservation.
7. The proposed digital LED display would occupy 50% of the area of the existing advertisement, but would be comfortably accommodated within the outline of the existing advertisement. The other principal point of difference between the existing and proposed advertisements relates to the nature of the advertisement, with the proposed advertisement displaying two-dimensional images on rotation, changing once every 10 seconds.
8. I have carefully considered the Council's contention regarding the effect on public safety. However, I note that the LED images displayed would be static and that the transition between successive advertisements is indicated to be instantaneous. The appellant has also highlighted that they would be prepared to accept conditions restricting the use of message sequencing, the prevention of interactive messages and advertisements, and the use of visual or special effects between successive displays. Furthermore, I have not been presented with any evidence which suggests that either the junction or highway in the immediate vicinity of the appeal site is inherently dangerous or prone to accidents.
9. Whilst I accept that the nature of the proposed advertisement would provide a greater level of distraction than the existing advertisement, I do not consider that this would amount to an unacceptable effect on the public safety of motorists or pedestrians using the highway in the vicinity of the site. Both the Council and the appellant have suggested the imposition of various additional conditions to control the movement, transition, and timing of the images, as well as the luminance of the advertisement and the incorporation of a fail-safe

mechanism in the event of a technical problem. I consider that all of these conditions would be reasonable and necessary in the interests of protecting the public safety of highway users, although I have adopted the wording suggested by the appellant as both being preferable given the more stringent nature of the restrictions, and more concise in respect of the summary of the issues. I have however discounted a suggested condition related to the incorporation of a light sensor to control the brightness of the advertisement in relation to ambient light levels. I note that the Council has accepted that the brightness of the proposed advertisement would accord with the guidance issued by the Institute of Lighting Professionals ('The Brightness of Illuminated Advertisements', 2015) which recommends levels of 600cd/m² during the day and 300cd/m² at night, and I therefore consider the additional imposition of a light sensor to be onerous and unnecessary.

10. The Council has referred to the policies of the Leeds Unitary Development Plan Review 2006 (the UDP), the Leeds Core Strategy 2014 (the Core Strategy), and the Advertising Design Guide Supplementary Planning Document 2006 (the SPD). Whilst not decisive, I have had regard to Policy GP5 of the UDP and Policy T2 of the Core Strategy, which seek to ensure that detailed planning considerations are addressed including amenity, and that new development does not harm highway safety. Furthermore, the SPD refers to the need to ensure that advertisements do not result in highway safety considerations. However, I have concluded that the proposed advertisement would not result in public safety concerns and would also accord with the Framework, which seeks to prevent the negative impact of poor advertisements.

Conclusion

11. For the reasons given above, and subject to the standard and additional conditions listed, the appeal is allowed.

M Seaton

INSPECTOR