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## Appeal Decision

Site visit made on 25 May 2021

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 June 2021**

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**Appeal Ref: APP/N4720/Z/21/3269824**

**Copley Hill Works, Land at Junction of Tong Road and Oldfield Lane, Leeds LS12 1HZ**

- 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 Hardy of Vivid Outdoor Media against the decision of Leeds City Council.
  - The application Ref 20/06857/ADV, dated 20 October 2020, was refused by notice dated 24 February 2021.
  - The advertisement proposed is replacement of existing 4 x 48 sheet externally illuminated poster hoardings with 2 x 48 sheet digital advertising display units.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of the proposal varies between the application form, decision notice and appeal form. I have taken the description from the application form as I consider that this accurately represents the proposal.

### Main Issue

3. The main issue is the effect of the proposed advertisements on public safety.

### Reasons

4. The appeal site is adjacent to a bend in the B6154 Tong Road/Wellington Road, and is also located in the immediate vicinity of junctions with Oldfield Lane and Copley Hill. At the time of my visit, I saw that the B6154 was well-trafficked with vehicles passing through the area, and there were also a number of vehicle movements associated with the junctions. This included relatively complex movements of vehicles traversing between Copley Hill and Oldfield Lane. I observed a number of pedestrian movements through the area, including passengers accessing a nearby bus stop. Comments on the appeal also indicate that this route is well used by cyclists. The highway environment in the vicinity of the appeal site is therefore of a busy and complex nature with a number of sensitive users. A Transport Statement<sup>1</sup> submitted by the appellant states that the approaches to the junctions are not complex or

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<sup>1</sup> Transport Issues Statement, January 2021.

confusing, but this does not reflect my own observations of the nature of traffic movements in the vicinity of the appeal site.

5. Whilst advertisements are intended to attract attention, the Planning Practice Guidance (the Guidance) emphasises that advertisements at points such as junctions where drivers need to take more care are more likely to affect public safety. The principle of illuminated advertisements in this location has been established by the existing hoardings. However, the proposed digital displays may change as frequently as every 10 seconds and the Guidance emphasises that advertisements which are subject to frequent changes of the display may cause danger to road users.
6. Whilst drivers may be aware of the sequential nature of the displays, I consider that a change in the image as drivers pass the site would create a distraction when drivers should be concentrating on passing through this complex and busy area. Conditions to control the nature of the image transition, moving images and luminance would not mitigate for the distracting nature of the display in this context. Although the Council may refer to 'standard' conditions, the appropriateness of such conditions will vary depending on the characteristics of each site. Whilst the proposals may not be an unusual form of display, this does not justify the provision of a distracting feature in this complex area, even when drivers are taking due care. This would be the case even allowing for the commercial and industrial nature of the locality.
7. I have had regard to the appeal and Council decisions elsewhere referred to by the appellant. However, based on the evidence before me I am not persuaded that they represent a direct parallel to the appeal proposal, including with regard to the highway context of the site. In any event, I have determined this appeal on its own merits.
8. Reference is made to the number of accidents in this area which the appellant considers is low given the volume of traffic. While that may be so, that is not a justification for introducing a distracting feature into this area to the detriment of public safety. I have also had regard to the appellant's comments on roadside digital advertising research. However, it has not been demonstrated that the nature of the signs proposed reflects those considered in the research, and I am mindful that road safety implications may have been assessed prior to the signs in the research being put in place. The appellant's evidence on these matters does not lead me to a different conclusion on public safety based on what I have seen and read.
9. I am mindful of the benefits of the proposal. The reduction in the number of hoardings would lead to a less cluttered streetscape. The revenue generated by the proposal would have economic benefits. There are also environmental benefits compared to the existing displays, including matters such as waste reduction and remote management. However, these benefits would not outweigh the unacceptable harm I have identified in respect to highway safety.
10. I conclude that, due to their siting and nature of display, the proposed displays would have unacceptable harm in respect of highway safety and therefore public safety. The proposals would conflict with the highway safety requirements of saved policy GP5 of the Unitary Development Plan 2006, and the guidance of the Leeds Advertising Design Guide which seeks to avoid hazards or distractions for road users. However, the Regulations require that

decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken this policy and advice into account, they have not been a decisive consideration in my determination of this appeal.

11. The Council also refers to policy T2 of the Core Strategy 2019. However, this relates to accessibility requirements for new development and is not relevant to the appeal before me.
12. For the reasons given above, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR