



Appeal Decision

Site visit made on 8 February 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/N4720/Z/21/3284381

Climax Works, (advertising right gable of unit 22c), Garnet Road, Beeston, Leeds LS11 5JY

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Richard Page (Wildstone) against the decision of Leeds City Council.
 - The application Ref 21/05519/ADV, dated 10 June 2021, was refused by notice dated 1 September 2021.
 - The advertisement proposed is upgrade and conversion of existing 96-sheet illuminated advertising display to a 96-sheet digital advertising display.
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Decision

1. The appeal is allowed, and advertisement consent is granted for the upgrade and conversion of existing 96-sheet illuminated advertising display to a 96-sheet digital advertising display at Climax Works, (advertising right gable of unit 22c), Garnet Road, Beeston, Leeds LS11 5JY. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.
 - 2) The advertisement display shall only display static images and shall not display any moving images, or apparently moving images.
 - 3) In the event of malfunction, the digital advertisement screen shall automatically power off.
 - 4) The intensity of the illumination of the advertisement display shall accord with the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements PLG05 2015" during daylight hours (dawn to dusk) and shall not exceed 150cd/sqm during the hours of darkness (dusk to dawn).
 - 5) There shall be no special effects (including animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice

Guidance (PPG) reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

Main Issue

3. The Council does not object to the siting of the advertisement on amenity grounds and following my site visit I see no reason to disagree.
4. Therefore, the main issue is the effect of the proposed advertisement on public safety.

Reasons

5. The PPG states that all advertisements are intended to attract attention and establishes that advertisements in locations where drivers need to take more care, including places where local conditions present traffic hazards, are more likely to affect public safety. The PPG also lists the main types of advertisements which may cause danger to road users as including those which, because of their size or siting, would obstruct or confuse a road-user's view, or externally or internally illuminated signs, which because of their size or brightness, could result in glare and dazzle, or distract road-users, and advertisements that are subject to frequent changes of the display.
6. The application site comprises the south-east facing gable wall of an industrial unit. A 96-sheet (12 x 3m) backlit advertising display is currently displayed and is visible from the adjacent M621 north bound carriageway. The proposed digital advertisement would replicate the size and siting of the existing advertisement hoarding.
7. On the approach to the appeal site along the M621 traffic is travelling in one direction across a 3-lane lit section of motorway with a maximum speed of 50mph. The signage is located between the 200 yard and the 100 yard markers for the junction 5 exit slip road. Because of the sweeping bend and the roadside vegetation, the signage is not visible until the junction exit signage has been seen by drivers.
8. Whilst drivers may be anticipating the junction and may be manoeuvring into the nearside lane to exit the motorway when the proposed advertisement comes into view, there is good forward visibility at this point, and due to the speed limit, traffic speeds are relatively low. Therefore, there is time for drivers to assimilate the road conditions, including the proposed advertisement which would be within their field of view, without reducing the clarity or effectiveness of highway signage on a section of road that presents no significant technical difficulties.
9. Further, the signage is set back from the road frontage and at a lower level so that the size and luminance of it would not be dominant along the road frontage. The roadside lighting would limit the prominence of the proposed illumination when it is dark, particularly considering the proposed luminance levels at these times. In addition, there is no evidence before me that the existing signage has caused a distraction to drivers or that this section of motorway is particularly susceptible to accidents.

10. Consequently, based on the evidence put forward and my observations at my site visit, I find it has not been demonstrated that there would be an increased risk to public (highway) safety.
11. Although not determinative, there would be no conflict with the public safety aims of Policies P10 and T2 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) and GP5 of the Leeds Unitary Development Plan review 2006.
12. I have considered the Leeds City Council Advertising Design Guide Supplementary Planning Guidance (SPG) adopted 2006 which does not support digital media adjacent to highways for safety reasons. Nevertheless, given my assessment above, there would be no conflict with the SPG.

Other Matters

13. I have noted the concerns about energy usage. However, as the existing signage is illuminated and the advertisement display would require to be changed manually, I do not have sufficient evidence to conclude that the change in technology would overall be detrimental to the environment. In any case, I must only consider the proposal in terms of amenity and public safety.

Conditions

14. Whilst the Council is satisfied that no other conditions beyond the 5 standard conditions are required, the appellant has suggested conditions and I have considered these. The Council and the appellant have been provided with an opportunity to comment on proposed conditions.
15. The advertisement should operate at an illumination level no greater than 150cd/ square metre from dusk to dawn in the interests of ensuring that the brightness of the signage does not result in glare or dazzle for road users. I also consider it necessary in the interests of public safety to impose conditions that control the display. The display shall not change at a frequency of more than once every 10 seconds, use message sequencing or display interactive messages, that there should be no special effects of any kind and the interval between successive displays should be instantaneous. The advertisement will automatically turn off in the case of malfunction to prevent flashing error messages being shown.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed in the terms set out.

Diane Cragg

INSPECTOR