
Appeal Decision

Site visit made on 30 August 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2023

Appeal Ref: APP/N4720/Z/23/3323928

Land at Royds Lane Hand Car Wash, Royds Lane, Holbeck, Leeds LS12 6DT

- 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 Engage Outdoor Media against the decision of Leeds City Council.
 - The application Ref 23/01132/ADV, dated 21 February 2023, was refused by notice dated 18 April 2023.
 - The advertisement proposed is retention of one freestanding LED digital advertising screen.
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Decision

1. The appeal is allowed and express consent is granted for retention of one freestanding LED digital advertising 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 screen display shall be erected with a mechanism installed in order that, if the screen display breaks down, it defaults to a blank black screen to avoid any flashing error messages or pixelation.

Procedural Matter

2. The description of the proposal varies from the application form to the decision notice. That on the application form adequately describes the proposal albeit

that I have omitted unnecessary wording. I am aware of the application history at this site.

3. At the time of my site visit a digital advertising screen was in place which appeared to broadly accord with the plans. However, for the avoidance of doubt my determination has been made on the basis of the plans.

Main Issue

4. The main issue is the effect of the advertisement on public safety.

Reasons

5. Having considered the evidence and visited the site I can appreciate that the advertising screen has been placed adjacent to a very busy junction. Given the angle that the advertising screen is set at, it is clearly visible from the approach to the junction from the north-east along Gelderd Road.
6. However, in those approaches the screen sits to the right of the signal heads on the traffic lights at the junction. Furthermore, LED digital advertising screens are becoming a more and more common sight within urban areas of cities and one in such a location as this is not uncommon or unexpected.
7. I note from certain points on the approach to the site on the A6110 from the south-east there could be occasions when some of the traffic signal heads could be viewed against or within close context of the LED digital advertising screen.
8. However, the angle at which the screen is set means that it is not a particularly prominent feature when approaching from this direction. There is a long and straight approach to the traffic lights, meaning that drivers have significant forward visibility of the junction and are able to plan accordingly. The fact that this is a traffic light controlled junction is likely to be obvious to drivers much further to the south-east which allows them to plan accordingly, long before the advertisement becomes an obvious feature to drivers.
9. Further, and although not critical to my determination given the matters above, the evidence indicates that the advertisement has been in place at the site for a period of time. I am not advised of issues surrounding its interaction with the highway that have resulted in adverse impacts on public safety.
10. To conclude on the main issue, I do not consider that the LED digital advertising screen would have an adverse impact on public safety.

Other Matters

11. The Council has cited policies P10 of the Leeds Core Strategy (2019) and saved policy GP5 of the Leeds Unitary Development Plan Review (2006) along with the Leeds Advertising Design Guide Supplementary Planning Document (2006) and the Transport SPD.
12. 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.

13. I do not consider that a planting scheme is necessary to make the proposal acceptable and this does not appear to form part of these proposals.

Conditions

14. In addition to the five standard conditions set out in the Advertisement Regulations some further conditions are necessary. They prohibit moving images, those that resemble road signs or traffic signs; and regulate the frequency of image changes and the level of illumination in the interests of public safety. There is a failsafe condition in the interests of visual amenity and public safety.

Conclusion

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

T Burnham

INSPECTOR