



Appeal Decision

Site visit made on 20 May 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/N4720/Z/25/3363568

57 Commercial Road, Leeds LS5 3AQ

- 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 Amon (Wildstone Estates Limited) against the decision of Leeds City Council.
 - The application Ref is 25/00559/ADV.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for upgrade of existing 48 sheet advert to support digital poster at 57 Commercial Road, Leeds LS5 3AQ as applied for. 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 following additional conditions:
 - 1) The intensity of the luminance of the advertisement display shall be no greater than 300 candela per square metre at night (dusk until dawn).
 - 2) In daylight hours, the intensity of the luminance of the advertisement display shall be controlled in order to reflect ambient light conditions and shall at all times be no greater than the recommended maximum daytime luminance values set out within the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements' (or its equivalent in a replacement Guide).
 - 3) The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images.
 - 4) No individual advertisement shall be displayed for a duration of less than 10 seconds and the changes between advertisement shall take place instantly with no sequencing fading, swiping, or merging images.

Main Issue

2. The Regulations make clear that advertisements are subject to control only in the interests of amenity and public safety, taking account of any material factors. The Council raises no objection on amenity grounds, and I have no reason to take a different view. Thus, the main issue is the effect of the proposed advertisement display screen on public safety, with particular regard to highway safety.

Reasons

3. The proposed advertisement display screen would replace an existing free standing poster billboard of the same size and position close to the south facing gable end of No 57. The evidence suggests that the existing poster billboard has been in situ for a considerable period of time and may therefore benefit from deemed consent.
4. The Council's objection on highway safety grounds is informed by an objection from the local highways authority. It is advised that the A65 Commercial Road is a strategic route with heavy traffic flows. Particular concern is raised over the potential for distraction due to the digital nature of the advertisement display and its proximity to one of the signal heads at the end of a bus lane.
5. I accept that the permanent digital illumination and sequential changing images on the display screen has the potential to be more eye-catching than the existing poster billboard. However, this would be within the context of the broad width of the road corridor, streetlights, and other commercial advertising found along this stretch of urban road. Furthermore, the presence of the buildings to the south means that its envelope of visibility would be quite limited, as demonstrated by the present billboard. Subject to conditions controlling the brightness and the speed and frequency of image transitions, I am satisfied that the display screen would not stand out as an isolated or highly conspicuous roadside feature for northbound traffic.
6. The signal heads to the south are positioned in a staggered arrangement. I saw that they only function in relation to the bus lane, occasionally bringing vehicles to a stop to enable buses to merge with northbound traffic. They do not serve as a pedestrian crossing. The straight alignment of the road means that northbound traffic has good forward visibility of the signal heads, particularly the first set of lights on the near left side. Drivers will also be aware of any buses travelling alongside. Stopping or slowing for the lights will therefore not likely come as a surprise. Furthermore, due to the 30mph speed limit, vehicles are not travelling at any speed on the approach. As such, I do not consider this to be a particularly complex or demanding highway environment for drivers.
7. There is a point where the right-side signal head would be viewed against the display screen, but only very briefly. This is no different to the existing billboard and there is nothing before me to indicate that the current situation presents a highway safety issue. With the controls that could be placed on the display screen in respect of brightness, moving images, and the speed and frequency of image transitions, I am not persuaded that it would, in this instance, be materially more distracting for drivers to the point of creating a hazard.
8. I therefore find that the advertisement display screen would not be detrimental to the interests of public safety, with particular regard to highway safety.
9. Whilst not decisive, the proposal also complies with the National Planning Policy Framework, Policy GP5 of the Leeds Unitary Development Plan (Review 2006), and Policy T2 of the Leeds Local Plan Core Strategy (Selective Review 2019) in so far as they are relevant to highway safety.

Other Matters

10. Whilst some concerns were raised by interested parties in relation to wildlife and other environmental impacts, these have little relevance to the matters for consideration under this advertisement appeal.

Conditions

11. In addition to the five standard conditions set out in the Regulations, I have imposed conditions on illumination and on the duration, type, and transition between displayed images in line with what is proposed and in the interests of highway safety.

Conclusion

12. For the reasons given, the appeal should be allowed.

A Caines

INSPECTOR