
Appeal Decision

Site visit made on 4 January 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 31 January 2017

Appeal Ref: APP/N4720/Z/16/3163858

Land to the west of Enterprise House, Leeds, LS11 9BH

- 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 Vivid Outdoor Media against the decision of Leeds City Council.
 - The application Ref 16/05086/ADV, dated 12 August 2016, was refused by notice dated 7 October 2016.
 - The advertisement proposed is a freestanding single sided digital advertisement display unit measuring 4 metres by 6 metres with associated logo box.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The *National Planning Policy Framework* (the Framework) indicates that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Against this background, I consider that the main issues in this case are the effect of the proposal on: highway safety; and, the character and appearance of the street scene.

Reasons

Background

3. On 2 June 2016 the Planning Inspectorate issued an appeal decision Ref. APP/W4705/H/15/3140343 on a previous application for a '*freestanding single sided digital advertisement display unit measuring 5 metres by 7.5 metres with associated digital logo box*' on the same site as that which is the subject of the appeal before me. That appeal was dismissed, on grounds related to the likely impact on amenity and public safety, and is a significant material consideration in the case now before me.

Highway Safety

4. The appeal site, which is currently occupied by a 'to let' board, forms part of a landscaped embankment on the east side of the A653 Meadow Road, a short distance to the north of its junction with Jack Lane and the M621 junction 3 off-slip road, which is signal controlled. When I visited at around mid-day, I found the junction busy and I understand that conditions such as these are not unusual there.
-

5. The proposal would involve the replacement of the existing 'to let' board with a freestanding, single sided digital advertisement display unit with logo box below. It would be capable of changing the static advert on display every 10 seconds and the brightness of the internally illuminated advertisement would be controlled by light sensors to ensure that it remains visible day and night, while not resulting in glare or dazzle. The application form indicates that the period for which consent is sought for the advertisement is from 1 October 2016 to 1 October 2021.
6. The national *Planning Practice Guidance* (PPG) identifies that proposed advertisements at points where drivers need to take more care, for example at junctions, are more likely to affect public safety.
7. The proposal would not directly impede driver views of the signals at the nearby junction or traffic signs. In common with a number of existing advertisements on the western side of Meadow Road, north of Jack Lane, drivers would be able to see the proposed sign from positions some distance before the junction on the M621 off-slip and Jack Lane approaches. The proposal would be unlikely to cause surprise to drivers approaching from those directions. However, as identified by the PPG, advertisements are intended to attract attention and the large proposed advertisement would be a prominent feature of the street scene visible to drivers when manoeuvring between the sets of lights on the M621 off-slip approach and when turning from Jack Lane onto Meadow Road. It has the potential to distract those drivers and increase the risk of accidents; matters which were of particular concern to my colleague. However, in my judgement, these factors do not pose as significant a level of risk as those I identify below.
8. The horizontal alignment of the A653 approaching this junction (westbound), passing through the junction and leading to the location of the appeal site is curved. This 3 lane section of highway comprises a bus lane on the outside of the bend and 2 general traffic lanes inside of the bend and closest to the appeal site. Existing advertisement signs to the west of Meadow Road are visible when approaching the junction along the westbound lanes of the A653. In contrast, views of the proposal available to drivers approaching from the east on the general traffic lanes of the A653 would be restricted until the driver has crossed the signal stop line, due to the curved alignment of the A653 and planting on the adjacent embankment.
9. Notwithstanding that it would not be in sight for long, the proposed display would be likely to come as a surprise to those A653 drivers at a point where: they are negotiating the bend; some may be considering changing lanes, turning right into Apex View or left onto Sweet Street in response to the lane signage which is located a short distance to the north on the western side of the highway; and, whilst some may be moving relatively slowly from a stopped position at the lights, others may be travelling at greater speed having passed straight through. I acknowledge that the same might be said in relation to the impact of the existing appeal site sign and I understand that the incidence of highway accidents in the vicinity of the site has been low over the last 5 years. However, in comparison with the existing static 'to let' board, I consider that the proposed internally illuminated, changing digital display would be likely to attract a far greater level of attention from passing drivers. In my judgement, the proposal would be likely to distract drivers to a much greater extent than

the existing sign and significantly increase the risk of highway accidents hereabouts.

10. I conclude overall, that the proposal would be likely to have an unacceptable impact on highway safety, contrary to the interests of public safety.

Character and appearance

11. The Framework recognises that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It confirms that advertisements should be subject to control in the interests of amenity. The PPG confirms that amenity includes visual amenity and factors relevant to this include the general characteristics of the locality. If for example, the locality where the advertisement is to be displayed has important scenic or historic features, the local authority would consider whether it is in scale and keeping with those features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.
12. In the vicinity of the appeal site, Meadow Road runs through a mixed commercial/industrial area. The land that abuts the western side of the highway, opposite the appeal site, comprises a large cleared site currently being used as a car park. Its roadside boundary is characterised by hoardings, above which 3 large advertisement installations project. The sky line to the north is dominated by tall buildings of the city. However, there is a marked difference in the character of the eastern side of Meadow Road hereabouts. On that side of the road, while there are a small number of highway signs along the roadside, commercial buildings are set well back behind the tall landscaped embankment, which includes the appeal site. The dense planting along the embankment largely screens the buildings to the east from view from Meadow Road, as observed by my colleague. This landscaping dominates the eastern side of the road hereabouts, giving this section of the route into the city a verdant appearance, and makes a significant positive contribution to the character and appearance of the street scene.
13. The structural framework supporting the proposed advertisement display would be slimline and constructed in black powder coated materials, which would not stand out against the landscaped background. In terms of its height, bulk and scale this supporting structure would be smaller than that which was associated with the previous appeal scheme. However, the display itself, at around 6 metres high by 4 metres wide, would not be significantly smaller than that which was the subject of appeal decision Ref. APP/W4705/H/15/3140343, which was some 7.5 metres high by 5 metres wide. The substantial digital display now proposed, seen against a background of dense planting, would have an alien, isolated and obtrusive appearance. It would detract from the function and qualities of the landscaped area in which it is set. Planting around the base of the proposal, which could be secured by condition, would not reduce the detrimental impact of the scheme to any material extent. Whilst the existing 'to let' sign, situated beneath a street light on the appeal site, also has an alien and obtrusive appearance, which detracts from the street scene, its visual impact is limited to some extent by the predominantly muted colours that make up the sign. By comparison, I consider that the detrimental

impact of the changing, internally illuminated, digitally displayed sign proposed would likely to be far greater.

14. I conclude that the proposal would cause significant harm to the character and appearance of the street scene, contrary to the interests of amenity.

Other matters

15. In support of its concern that the Council's approach to the determination of advertisement applications is inconsistent, the appellant has provided a list of the Council's advertisement application decisions for the period February 2010 to July 2016, and has drawn particular attention to 6 implemented schemes, which I have visited in accordance with its request.
16. Whilst I do not know the full circumstances of the 6 cases referred to, based upon what I have read and seen, in my judgement, none of them are directly comparable in important respects to the proposal before me. Although sited in landscaped areas, none of those installations are seen against a background dominated by dense planting. This was particularly noticeable when I visited, during the winter, when most, if not all, of the trees neighbouring the installations at those other sites were without foliage and built development was a more dominant feature of the background against which they were seen than would be likely to be the case at the appeal site. Furthermore, none of the 6 is positioned in a location where they are likely to come as such a surprise to passing drivers; on the inside of a bend, with limited forward visibility of the installation.
17. In addition, there is no evidence before me to show that any of the other schemes on the database of Council decisions on advertisement applications is directly comparable to the proposal before me either. The same can be said in relation to the examples of existing installations cited in *JMP Technical Notes* submitted in support of the application by the appellant.
18. Whilst consistency is desirable, each case must be considered primarily on its own merits and, in my judgement, the existing installations/approvals cited by the appellant do not justify the harm that would be likely to result from the proposed development of the appeal site. I give them little weight.
19. The Council has drawn my attention to Policies GP5 and BD8 of the *Leeds Unitary Development Plan (Review 2006)*, Policy P10 of the *Leeds Local Development Framework Core Strategy, 2014 (CS)* as well as its *Supplementary Planning Document-Leeds City Council Advertising Design Guide, 2006* and I have taken them into account as material considerations. With reference to my conclusions on the main issues, the proposal would not accord with these Policies or guidance. However, as I have indicated, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, the Council's Policies and guidance have not, by themselves, been decisive. CS Policy T2, which relates to the accessibility of new development, appears to me to be of little relevance in this particular case.
20. Whilst I understand that the appellant has suggested that development of the type proposed would provide a signal of investment in the area, in my judgement, neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conclusions

21. For the reasons given above, I conclude that the display of the proposed advertisement would be detrimental to the interests of public safety and amenity, and the appeal should be dismissed.

I Jenkins

INSPECTOR