

Appeal Decision

Site visit made on 14 March 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 11th April 2017

Appeal Ref: APP/N4720/Z/16/3161264
368-378 York Road, Leeds LS9 9EB

- 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 Insite Poster Properties Limited against the decision of Leeds City Council.
 - The application Ref: 16/04133/ADV, dated 30 June 2016, was refused by notice dated 24 August 2016.
 - The advertisement proposed is the replacement of four illuminated advertisement displays with two LED advertisement displays.
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Decision

1. The appeal is allowed and express consent is granted for the display of two LED advertisement displays, replacing four illuminated advertisement displays, 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 the Regulations and the following additional conditions:-
 1. The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 300 cd/m².
 2. The display shall not change more than once every 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
 3. There shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Main Issue

2. The main issue in this appeal is the effect of the proposed advertisements on public safety.
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Reasons

3. The appeal site is currently used for the display of advertisements and comprises a grassed area with a splayed fence to the rear. Currently four poster panels are displayed. The surrounding area is predominantly commercial in character and there are a large number of advertisements present, both on buildings and in the form of advertising panels.
4. It is common ground between the parties that the removal of two of the four currently displayed illuminated poster panels would reduce the amount of advertising in the area and that the proposed siting, height and design of the replacement digital advertising panels is appropriate in the context of the site. The Council do not raise the effect of the proposal on amenity as an issue and consequently the only matter in dispute is the effect of the proposal on public safety.
5. York Road is a busy main route with two lanes for traffic in both directions in addition to bus lanes. In the vicinity of the appeal site, it is subject to a 40 miles per hour speed limit. At the time of my site visit it was heavily trafficked and average vehicle speeds were quite high. Approximately 20 metres beyond the appeal site is a light controlled pedestrian crossing.
6. The Planning Practice Guidance (the Guidance) advises that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. The Guidance gives as examples, at junctions, roundabouts, pedestrian crossings, and on the approach to a low bridge or level crossing.
7. The Council submits that the proposal could distract drivers on the approach to the pedestrian crossing and cites advice from the Highway Authority that there have been minor collisions on this stretch of road and three serious accidents involving pedestrians. The only accident data that has been provided has been submitted by the appellant, and it is suggested that this shows that the accidents were not attributable to the presence of advertising. Whilst one of the accidents occurred on the pedestrian crossing, there is no information regarding the circumstances of this and no evidence that it was attributable to the presence of advertisements. The evidence provided does not contain any specific details in respect of the cause of the incidents and, from the basic information provided, it is not possible to conclude whether or not the presence of advertising was a factor in the accidents.
8. This notwithstanding, the proposed advertisements would be set back from the carriageway and only one would be visible to drivers travelling west when approaching the pedestrian crossing. Due to the distance from the carriageway and the configuration of the site, neither proposed advertisement would obscure traffic signals or be mistaken for road signs. There is a minor access point to York Road to the east of the appeal site, however, as this serves only a small number of properties which also have vehicular access to the rear from Dawlish Street this would not be heavily used. The only significant junction, a slip road for vehicles leaving York Road, is well beyond the appeal site.
9. Although the carriageway of York Road has multiple lanes, there is an additional repeater traffic light suspended over the carriageway on a gantry and this is clearly visible from some distance away. Motorists would therefore be aware of the status of the traffic signals well before reaching the crossing

and would be able to react accordingly. As a result of the position of the advertisements at an angle to York Road, motorists would also become aware of these some distance before the crossing. I saw when I visited the site that drivers travelling west and approaching the crossing when the signal was at red were slowing down well in advance of the stop lines on the carriageway.

10. The proposal involves the sequential display of advertisements, which the Guidance recognises may cause a danger to road users. The appellant has suggested that the frequency of these changes could be controlled by way of conditions to control the frequency and nature of the changes and to prevent the use of special effects. I consider that this would result in a situation that is not significantly different from the current static advertisement display at the appeal site.
11. The pedestrian crossing has a staggered configuration. When travelling from the east, whilst the second advertisement panel would be visible to drivers, due the stagger in the crossing, and resultant distance to the advertisement panel, the content would not be readily discernible and would not cause any distraction to drivers approaching the traffic signals from this direction.
12. Taking the above factors into consideration, I conclude that the proposed advertisements would not prejudice public safety. They would therefore comply with the relevant requirements of Policy T2 of the Leeds Core Strategy 2014 and Saved policy GP5 of the Leeds Unitary Development Plan Review 2006 which seek to ensure that new developments do not cause harm to highway and pedestrian safety.

Conditions

13. The Council has not suggested that any additional conditions are necessary over and above the standards conditions set out in the Regulations. The appellant has suggested a number of conditions, some of which repeat the standard conditions. Having reviewed those suggested conditions, I consider that a condition stating that the maximum illuminance level shall not exceed 300 cd/m² is necessary in the interests of visual amenity and highway safety.
14. In addition, further conditions controlling the frequency of the change of display; restriction of message sequencing; special effects; and the interval between successive displays are necessary to ensure that drivers are not distracted by the proposal and in the interests of visual amenity. Therefore, in the interests of safety and amenity, I attach conditions requiring the displays are static, change instantaneously and set out maximum illumination levels.

Conclusion

15. For the above reasons, and taking all other matters raised into account, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR