

Appeal Decision

Site visit made on 21 August 2017

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/N4720/Z/17/3176142

Clayton Hotel, City Walk, Leeds, West Yorkshire, LS11 9AT

- The appeal is made under section 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 Infinity Outdoor Limited against the decision of Leeds City Council.
 - The application Ref 17/01006/ADV dated 15 February 2017 was refused by notice dated 12 April 2017.
 - The advertisement proposed is an illuminated LED display with the dimensions 7.5 x 5 x 0.6 m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to Leeds Core Strategy policy P10 and saved policies BD8 and GP5 of the Leeds Unitary Development Plan Review, which seek to ensure high quality design, the sensitive design and location of signs and that proposals meet general planning considerations. Development plan policies cannot be decisive because the regulations to control advertisements and the National Planning Policy Framework (the Framework) indicate that decisions should be made only in the interests of amenity and public safety, taking account of cumulative impacts. However, these policies and the Council's supplementary planning document: *Advertising Design Guide* have been taken into account as material considerations in this appeal.

Main issues

3. The main issues are the effect of the proposed advertisement display on public safety and the effect on visual amenity.

Reasons

Effect on highway safety

4. The proposed advertisement display would be located on the southern elevation of the Clayton Hotel in the central area of Leeds. It would be positioned around 9.3m above ground level. The advertisements would be changeable up to every 8 seconds, displayed digitally and shown in a static format. The level of illumination of the display would be 600 cd/m².
 5. The hotel building is tall and prominent in view when approached from the south from Meadow Road. The south elevation of the hotel faces onto a
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primarily commercial area on a main vehicular approach into the City. This elevation overlooks a 4-lane carriageway (A653) that carries traffic into the south of the city centre from the M621 (J3) and Beeston/Holbeck. Several roads diverge at this point including Sweet Street which has its junction with Meadow Road near the hotel. There are traffic lights to control vehicle flows.

6. The Highway Authority objected to the proposal. It referred to the Planning Practice Guidance on advertising which provides examples of advertisements that may cause danger to road users. One of the examples given that it considers would apply to the proposal is: *"those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature"*.
7. A previous scheme for a larger sign measuring around 12.3m in height and 8.2m in width, with a base located approximately 6.5m above ground level was dismissed at appeal (Ref: APP/N4720/H/13/2208287) in March 2014 on highway safety and amenity grounds. In that appeal, the Inspector found that: *"Although I am not persuaded that the proposed display unit would conflict with the nearby traffic signals (due to its height above ground level), it would in my opinion have the potential to distract the attention of drivers when approaching the appeal site from the south. The proposed display unit would be highly prominent and, although the displayed images would be static, the display is designed to change regularly and this would be highly likely to distract drivers from concentrating on driving. In my view, the changing display has the potential to lead to an increased risk of accidents"*.
8. The appellant submitted a Transport Issues Report with the application subject to this appeal. This concluded that:
 - having regard to the highway circumstances and the relevant guidance, the proposed display screen would not give rise to harm in highway safety terms;
 - a detailed consideration of the accident statistics has confirmed that the approach to the site has no material accident problem at present;
 - the new LED display screen will have excellent visibility along Meadow Road;
 - there will be no conflict with the nearby signal heads;
 - a detailed analysis has confirmed that the local highway network is not at all complex or complicated and has clear and unambiguous existing road signs and road markings on the approach to the site;
 - the proposals will not have an unacceptable effect on drivers' or pedestrians' attention;
 - the proposal is similar to a large number of existing urban full motion LED display screens in London, Birmingham, Liverpool and Manchester, and
 - the new LED display screen will comply with rigid standards set out by other local planning authorities for this type of digital media.

9. The appellant has provided 6-year collision data are for an area encompassing Meadow Road from a point in the middle of the Jack Lane junction to a point adjacent to the site. The data covers the period from 6th January 2011 to 5th January 2017. Six personal injury accidents of slight severity were recorded in that period. The appellant has concluded that the location of these accidents was such that, in each case, either the driver at fault wouldn't have been able to see the proposed display screen or simply that a driver who caused the incident did so with poor driving rather being distracted for any reason. In the appellant's opinion, there was also no weaving between lanes.
10. However, there was mention of vehicles turning and merging. It seems to me that, despite the signage, there would be potential for vehicles to change lanes, given that there are four lanes approaching the site from the south, including a bus lane and cycle lane. Movements to change lanes would be likely to present greater difficulty in peak periods when traffic volumes are at their highest. Although the appellant considers that there is no material accident problem at present, accidents have been recorded. The number of recorded accidents have been limited, however it does not necessarily follow that the proposed display would have no adverse effect on highway safety in future, if erected.
11. The proposed display would be prominent in view at the southern approach on Meadow Road. In my opinion the display, with changing images every 8 seconds, would be likely to distract drivers from concentrating on the movements of other vehicles and correct route lanes.
12. In the previous appeal, the Inspector was not persuaded that the proposed display would conflict with the nearby traffic signals due to its height above ground level. I see no reason to disagree in the case of the current proposal, because the Council has advised that there has been no significant change in road conditions since that decision.
13. The appellant considers that the approach to the site along Meadow Road is not at all difficult or complex. However, it is not simple and would be unlikely to be considered as such by drivers encountering it for the first time. This is because of the route choices and junctions involved. The appellant agrees that Meadow Road carries a significant number of visitors to the city, and these might be unfamiliar to the network. The appellant contends that the lane markings are very clear on the approach to the screen as are the directional arrows. However, road markings are not always easy to see in advance when traffic is congested.
14. The appellant contends that there is absolutely no evidence that the LED digital display screens, whether full motion or static, have any effect whatsoever on highway safety. The appellant is willing to revert to a 10 seconds display interval, rather than 8 seconds. Nevertheless, I consider that this would not be significant in terms of reducing potential distraction and overall, the proposed display would be harmful to highway safety.

Effect on visual amenity

15. The appellant considers that the acceptability of the proposed display from a visual amenity point of view is largely subjective and would appear to turn on whether it would be acceptable given its scale and siting in relation to the host building and the character of the surrounding area.

16. Clayton Hotel is a modern stone clad building that complements the neighbouring office building in its design, form and materials. Although the site is within a mainly commercial area, the proposed display would result in an obtrusive and unduly dominant feature on a prominent elevation of the hotel building that faces oncoming traffic. The proposed display would be harmful to the appearance of the building and visual amenity of the area at this approach to the city centre.

Other Considerations

17. The appellant refers to similar displays allowed in commercial areas at Birmingham and Newcastle and other cities. However, the sites and their context, including the local highway network, differ from those at the appeal site. The examples provided would be insufficient reason to justify allowing the appeal before me.

Conclusion

18. The proposal would conflict with considerations for advertisements in the Framework and advice in the Planning Practice Guidance. All other matters raised have been taken into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR