
Appeal Decision

Site visit made on 1 July 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/W2465/Z/19/3228878

195A Humberstone Road, Leicester LE5 3AQ

- 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 Mr Rob Smith (8 Outdoor Media Ltd) against the decision of Leicester City Council.
 - The application Ref 20190094, dated 17 January 2019, was refused by notice dated 22 March 2019.
 - The advertisement proposed is the replacement of existing 2no. 96 sheet advertisement hoardings with 2no. 48 sheet freestanding digital LED advertising display units.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposals are described in the application form as seeking the replacement of 2 existing advertisement hoardings, however, on my site visit 1 hoarding (referred to as Panel 1 within the appeal submission) has been removed.

Main Issues

3. The main issues are the effect of the proposed advertisements on public safety and on the amenity of the area.

Reasons

Public Safety

4. The proposed digital advertising display units (hereafter referred to as digital advertisements) would be located adjacent to Humberstone Road, which is a busy main road. Within the immediate vicinity of the site, Humberstone Road alters on both sides of the carriageway with merging of lanes in one direction and the creation of new lanes in the opposite direction.
5. The immediate locality contains a mixture of commercial activities and numerous forms of advertisements. While none that I observed are digital displays the appellant's have drawn my attention to a digital advertisement approved, but not installed, on the other side of the railway bridge adjacent to the appeal site (Application Ref: 20171451).
6. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network. Consequently, having regard to the

Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature'. Therefore, they are generally unlikely to be a distraction to road users in normal driving conditions. However, paragraph 067 of the Guidance (*Reference ID: 18b-067-20140306*) advises that public safety could be affected where advertisements are located, for example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge, level crossing or other places where local conditions present traffic hazards.

7. I accept that the proposed change in display would be almost instantaneous and would not change more than once every 10 seconds. However, any change in image would draw the eye and encourage a motorist to look towards the display to see the new advert. At the proposed location the merging and formation of new lanes means that any small distraction could lead to a collision as vehicles manoeuvre.
8. Due to the volumes of traffic and the traffic lights along the road, vehicles do travel along Humberstone Road at a relatively low speed. However, given the prominence of the digital advertisements proposed, even a short distraction would increase the risk of collisions between vehicles manoeuvring between lanes which would cause significant harm to public safety. Although I note that digital advertisements have been granted consent elsewhere in the city, I am required to consider the proposal on its merits and my concerns relate not to the principle of digital advertisements but to the specific location on the highway network.
9. The Council's evidence shows that several accidents have occurred in the area. Whilst I cannot attach any significant weight to those statistics in the absence of precise details of the nature of those accidents, the evidence does add to my concerns over the safety of introducing a potential distraction at a point on the carriageway where traffic will be merging lanes. During my site visit I observed 2 separate incidents where cars had difficulties merging and although this is a snapshot and no accident occurred it does contribute to my concerns.
10. Conditions have been suggested by the appellant which would control amongst other things, the luminance levels, the frequency of change of advertisements and measures to prevent flashing and moving images. However, the matters covered by the suggested conditions would not overcome my fundamental concern over the potential distraction caused by a moving advert. As such I conclude that the proposed digital advertisements would prejudice public safety in the area.
11. The Council has cited policy CS15 of the Leicester City Local Development Framework Core Strategy 2014 in the reason for refusal. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken this policy into account, it has not been a decisive consideration in my determination of this appeal.

Amenity

12. The immediate locality contains numerous forms of advertisements adjacent to Humberstone Road, many of which are of a similar size or larger than the appeal proposals. The presence of these advertisements, including the remaining hoarding to be removed from the appeal site, therefore contributes to the area's overall character and appearance.

13. The proposed digital advertisements would be viewed in the context of the railway bridge, planting on the railway embankment, car wash forecourt (and associated structures) and other commercial buildings along Humberstone Road. Set in this context the proposed digital advertisements would relate well in height, scale and appearance and would not therefore appear incongruous. As previously established additional conditions could control the appearance of the advertisements which would ensure that they would not appear visually intrusive.
14. When travelling along Humberstone Road the proposed digital advertisements would be viewed cumulatively with other signage. The degree of separation from other advertisements would avoid an appearance of clutter. I therefore conclude that the proposed digital advertisements would not adversely affect the visual amenity of the area.
15. I have taken into account policy CS03 of the Leicester City Local Development Framework Core Strategy which promotes good design and has been cited by the Council in the reason for refusal. Given I have concluded that the proposals would not harm amenity, the proposals do not conflict with this policy.

Conclusion

16. Although I have concluded that the proposed digital advertisements would not harm the amenity of the area, this does not outweigh the unacceptable prejudicial conditions to public safety. Accordingly, I conclude that this appeal should be dismissed.

Robert Walker

INSPECTOR