The Planning Inspectorate

Appeal Decision

Site visit made on 11 February 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/N4720/Z/19/3241921
8 Sackville Street, Sheepscar, Leeds LS7 2AS

- 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 Clear Channel UK against the decision of Leeds City Council.
- The application Ref 19/05364/ADV, dated 20 August 2019, was refused by notice dated 21 October 2019.
- The advertisement proposed is described as the upgrade of existing 48 sheet advert to support digital poster.

Decision

1. The appeal is allowed and express consent is granted for the display of the 48-sheet advert to support digital poster 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.

Main Issue

2. The main issue is the effect of the proposed advertisement on public safety.

Reasons

3. The proposal seeks to replace an existing advertisement panel with a digital LED poster of the same size and in the same location. The replacement panel would be situated on a wall fronting onto Sackville Street. It would comprise an internally illuminated digital display with static advertisements which would change at regular intervals. The surrounding area is characterised by commercial premises as well as some residential properties.

4. The location of the advertisement is in proximity to a signal-controlled junction. The signage would only be visible to drivers travelling north along Meanwood Road and along Sackville Street. For drivers travelling south along this road, the sign would not be visible until drivers had turned the corner onto Sackville Street. Due to its siting on the wall of the building, it would not be unduly prominent for vehicles on Sackville Street itself.

5. In terms of approaching traffic from the south, the proposed digital display would be visible, and its illumination and changing images would be noticeable. It would also form a backdrop to the traffic lights. However, the visibility and visual dominance of the proposed advertisement would be mitigated somewhat by its position, which is offset from the junction.

6. Drivers approaching the lights would be likely to be already slowing down as a result of the presence of the junction and traffic controls. Due to the reasonably straight road, the traffic signals are visible from a reasonable distance away and would be visible before the proposed advertisement came fully into view. The Appellant has provided accident data which shows a relatively low number of incidents in the vicinity of the appeal site.

7. I note the comments of the Transport Development Services team and have carefully considered these points. However, although visible from the junction itself, I find that as a result of the offset position of the advertisement and the fact that there is an existing advert, albeit not a digital display, the proposal would not be so visually dominant or intrusive to result in undue harm to public safety in terms of users of this part of the highway. Furthermore, I note that the maximum luminance would accord with the Institute of Lighting Professionals Technical Note 5 and the changeover between adverts would be instant.

8. Accordingly, I find that the proposal would not give rise to harm to public safety and would therefore comply with the provisions of paragraph 132 of the National Planning Policy Framework (2019), Saved Policy GP5 of the Unitary Development Plan Review (2006) and the Supplementary Planning Document – Advertising Design Guide. Collectively these seek to ensure that proposals maximise highway safety and ensure that drivers would not be adversely affected, amongst other things.

Conditions

9. The five standard conditions in the Regulations are imposed. I consider no additional conditions beyond these to be necessary.

Conclusion

10. For the reasons given above, and having carefully considered all matters raised, I conclude that the display of the upgraded 48 sheet digital advert would not be detrimental to the interests of public safety.

R Norman

INSPECTOR