
Appeal Decision

Site visit made on 16 March 2020 by C McDonagh BA (Hons), MA

Decision by Richard Clegg BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2020

Appeal Ref: APP/N4720/Z/20/3244712

6 Matrix Court, Beeston, Leeds, LS11 5WB

- 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 Benjamin Porte of Clear Channel UK against the decision of Leeds City Council.
 - The application Ref 19/06180/ADV, dated 4 October 2019, was refused by notice dated 29 November 2019.
 - The advertisement proposed is installation of a freestanding internally illuminated 48-sheet display and vertical meadow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council has drawn my attention to a number of policies and the Advertisement Design Guide Supplementary Planning Document (SPD) it considers to be relevant to this appeal. I have taken these into account where relevant; however, powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

Main Issues

4. The main issues are the effect of the proposed advert on the visual amenity of the area and public safety as it relates to road users.

Reasons

Visual amenity

5. The appeal site comprises a strip of land located between a commercial unit hosting a children's play centre and the A653 road, which is a dual carriageway. The area is largely commercial in nature, although there are areas of dense housing located to the opposite side of the road. Dewsbury Road is one of the main routes between Leeds city centre and the Ring Road. The proposed advert would be a 48-sheet-sized, illuminated display fixed to a freestanding, vertical hoarding.
6. The advert would be located in a prominent position, highly visible from the surrounding area to both road users and pedestrians. While there are other adverts in the area, these are generally small in scale and/or not illuminated, such as the fuel station next door or the retail units opposite. I appreciate it may fall within best practice guidance for brightness and is one-sided; however, the digital illumination would result in a visually incongruous feature that would stand out from said other, more modest, advertisements in the area and dominate the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual prominence and harmful effect on the amenity of the area, irrespective of its location not within a Conservation Area or close to Listed Buildings.
7. The appellant has proposed conditions to ensure any displayed advertisements would not include moving visual effects and to control the level of illumination. However, due to the above reasons they would not be sufficient to mitigate this harm.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policies P10 of the Leeds Core Strategy (CS), BD8 and GP5 of the Leeds Unitary Development Plan (Review) (UDP) and the SPD seek to ensure advertisements are sensitively located within the street scene and would not lead to a loss of amenity. As such these are considered material considerations insofar as they are relevant to visual amenity.
9. In conclusion the proposal would harm the visual amenity of the area and would not accord with Policies P10 of the CS, GP5 and BD8 of the UDP or the SPD. The proposal would also be contrary to the design aims of the Framework, which advises through paragraph 132 that the quality and character of places can suffer when advertisements are poorly sited and designed.

Public safety

10. I noted on my site visit the road is heavily trafficked, even at mid-morning outside of the usual rush hour increase in congestion. There are several traffic controls located on the approach to the appeal site from the Ring Road, including two-sets of pedestrian crossings. As a result, drivers would need to pay particular attention to responding to traffic lights at these locations.
11. The PPG section on advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those

which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, 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 can also pose a risk to highway safety.

12. When approaching the signal-controlled junction with Middleton Grove and the pedestrian crossing at the end of Harlech Road, the traffic lights would be set against the backdrop of the advert. Given the intermittent changing of the advert display, albeit with little transition time, this has the potential to obscure or visually confuse the lights against this backdrop, posing a risk to road users on this busy stretch of road, despite it being straight.
13. The appellant has proposed conditions to ensure any displayed advertisements would not include moving visual effects and the level of illumination. However, due to the above it would not be sufficient to mitigate this harm. While I appreciate the Council has not provided accident data, from my own observations on the site visit I have concerns regarding road safety which would not be alleviated by the absence of data.
14. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy GP5 of the UDP and the SPD state development proposals should seek to maximise highway safety. I have found that the advert would potentially cause a danger to road users via visual confusion at traffic lights.
15. To conclude on this second main issue, the proposal poses a risk to road users and would not accord with policy GP5 of the UDP.

Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Richard Clegg

INSPECTOR