



Appeal Decision

Site visit made on 16 March 2020 by Darren Ellis MPlan

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2020

Appeal Ref: APP/W2465/Z/19/3242660

Existing advertising site, Junction of Melton Road and Doncaster Road, Leicester, LE4 6JD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston on behalf of JCDecaux UK Ltd against the decision of Leicester City Council.
 - The application Ref 20191646, dated 29 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is described as 'Removal of the existing advertisement with the installation of an internally illuminated digital display of similar dimensions, 3m to underside'.
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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.

Preliminary Matter

3. There was disagreement between the parties regarding the method of illumination, if any, of the existing advertisement on the appeal site. Following my request for clarification, both parties confirmed that the existing sign is externally illuminated. This aligns with my observations on site and I have assessed the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposed advertisement on visual amenity and on highway safety.

Reasons for the Recommendation

5. The appeal site is adjacent to a plot of land at the junction of Melton Road and Doncaster Road, which is currently used as a bus stop and seating area. Melton Road is characterised by commercial units at ground level with a mix of office and residential units above. A large externally illuminated 48 sheet poster display exists adjacent to the side elevation of a retail property on Melton Road, and the proposal would replace this existing hoarding with an internally
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- illuminated digital display. The proposed advertisement would show static images that would change at intervals of 10 seconds.
6. Paragraph 132 of the National Planning Policy Framework (the Framework) states that the quality and character of places can suffer when advertisements are poorly sited and designed, and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
 7. The appeal site falls within an area comprising a mix of residential, commercial and business uses. The busy character of the main road and the number of advertisements and fascia signs in the vicinity contribute to the vibrant appearance of the area. However, the advertisements in the immediate area are predominantly of a small scale. The existing advertisement, which is an exception to this, appears to have been in place for some time and makes a neutral contribution to that character and appearance.
 8. In terms of appearance, the design of the proposed unit would be modern and not in itself unattractive. The proposed unit would be slightly larger than the existing sign and would be at a more elevated position, which would increase the prominence of the display. While the existing unit is externally illuminated, the images shown on the proposed digital display would be brighter and sharper than the existing display, and the images would change at regular intervals. I note that the illuminance of the display would not exceed 300 Cdm², and that this level of illumination could be secured by an appropriate condition. However, there are no existing digital displays in the vicinity of the appeal site and consequently the proposed display would be considerably more at odds with the nature of the existing advertising in the immediate vicinity and would be a garish addition to the street scene. As a result, the proposed digital unit would cause harm to the visual amenity of the area.
 9. The appellant contends that the proposal is an example of innovation in the design and use of modern technology to reduce waste and energy consumption. I attach moderate weight to the benefits of reduced waste and energy consumption. However, the appellant also states that LED technology is now the industry standard and that the unit design is one of a number of designs installed across the country. As such I am not persuaded that the proposal represents innovative design and technology.
 10. Melton Road is a busy thoroughfare and one of the main radial routes into the central Leicester, and the site is close to a busy signal-controlled junction where Melton Road meets Loughborough Road, Belgrave Road and Cossington Street. The proposed advertising unit would face towards the southwest-bound traffic using Melton Road on the approach to the junction.
 11. The Planning Practice Guidance states that 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 cited examples include at junctions and pedestrian crossings¹. During my site visit, the junction and the roads leading into it were busy. In addition, the pedestrian crossing close to the junction was also in use. The sign would come into view when approaching the junction and crossing from the north-east. While the considerable volume of traffic may, particularly at peak times, create relatively

¹ Paragraph: 067 Reference ID: 18b-067-20140306

low speeds, drivers would still need to pay attention when moving towards the junction and crossing.

12. The Council states that the road has a poor accident record, but it is not clear if this refers to the accident record in the vicinity of the appeal site or a larger stretch of Melton Road. Nevertheless, the increased size and height of the proposed unit would increase the visibility and prominence of the display, which when combined with the digital nature of the display with its regularly changing images would cause harm to highway safety by increasing the risk of distracting drivers approaching the busy junction.
13. For these reasons, I conclude that the advertisement would cause harm to the visual amenity of the area and to highway safety, and as such would be contrary to paragraph 132 of the Framework. The Council has drawn my attention to Policy CS3 of the Leicester City Local Development Framework Core Strategy (adopted 2014) (CS) which require developments to have high quality design that respond positively to the surroundings. However, whilst I have taken this policy into account as a material consideration, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.
14. I have also been referred to policy CS15 of the CS, regarding managing congestion in the city centre. However, the policy and supporting text refer to managing the demand for car use, alternative transport options and car parking, and consequently this policy is not relevant to the proposal before me.
15. The benefits of the scheme would not outweigh the harm identified above, which would be substantial. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed

D Ellis

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

Zoe Raygen

INSPECTOR