



Appeal Decision

Site visit made on 9 June 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2020

Appeal Ref: APP/W2465/Z/19/3243621
104 Forest Road, Leicester LE5 0DT

- 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 Clear Channel against the decision of Leicester City Council.
 - The application Ref: 20191453, dated 25 July 2019, was refused by notice October 2019.
 - The advertisement proposed is described as upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on a) the amenity of the area and b) public safety.

Reasons

Amenity

3. The appeal site is located on the gable end of an end-of-terrace property. There is an existing static advertising poster display of the same dimensions (3m high by 6m wide) and in the same location as the proposed display. The display is prominently situated in an elevated position - the top of it being around 7.15m above ground level - facing slightly obliquely towards the sweeping curve of Forest Road, which leads round from Hastings Road, then straightens out.
4. There is a mixture of residential, commercial and industrial properties in the area comprising Forest Road and roads leading off it. The site is located near the transition between an industrial estate to the north-east and the beginning of a mainly residential row of properties on the western side of Forest Road. The host row is predominantly residential, with a corner shop on the ground floor of the appeal property. It is prominently located at the transition between the sweeping curve at the northern entrance to Forest Road and the straight stretch of the road's main body. Within this context, the proposal's host row is a significant element of the residential part of the character mix of the neighbourhood.

5. The proposed advertisement display would consist of digital LED panels and be internally illuminated, with maximum illuminance levels of 300cd/sq.m. Compared to the existing display, there would be a change to internal LED illumination day and night, and from a single poster to a capacity to change advertisement every 10 seconds.
6. Under the proposal, the interchange between each image would be virtually instantaneous, and there would be no swiping or fading between advertisement images. However, given the display's elevated position and size - occupying a substantial proportion of the horizontal expanse of the upper part of the two-storey gable end - the introduction of LED illumination and changing images would result in a noticeable step up in the prominence of the advertising display within the streetscene, at the beginning of a prominent, predominantly residential row of properties. This would be visually jarring and compete with the residential character element of the area.
7. The above factors would combine with the prominence afforded by the display being somewhat abruptly 'revealed' to drivers, cyclists and pedestrians rounding the sweeping curve of Forest Road in a southerly direction. The fence line along the western perimeter of the fabric warehouse to the north-east would go some way to frame this view, further drawing the eye to the display. As such, the above effects would be substantially noticeable, approaching the site from the north.
8. Other billboards are located to the north of the site. However, these are separated from the host row of properties by a combination of elements including a road junction near a railway bridge and a van sales compound. As such, the other billboards are in a noticeably different, non-residential character segment of the road. Given the above, the other billboards would not lead to the proposal's assimilation into its setting.
9. I appreciate that the proposal would apparently be in line with advertising industry guidelines. Nevertheless, that does not signify that such proposals are appropriate to every context.
10. I note the appellant's view that the proposed advertising display would have little different impact compared with the existing, and through modernising the display would improve the streetscene. However, the combination of factors which I have identified above lead me to find that the proposed advertising display would have a significantly adverse effect on the visual amenity of the neighbourhood of the site.
11. Therefore, I conclude that the proposed advertisement would harm visual amenity. As such, it would conflict with paragraph 132 of the National Planning Policy Framework (the Framework), which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
12. I have taken into account Policy CS3 of the Leicester City Core Strategy (2014) (CS), which seeks to ensure that place making complements local character. As such, the policy seeks to protect visual amenity, and so is material in this case. Given my finding that the proposal would harm visual amenity, the proposal conflicts with this policy.

Public safety

13. Section 3(2)(b) of the Regulations states that factors relevant to public safety include the safety of persons using any highway. Paragraph 067 of the Planning Practice Guidance¹ advises that public safety could be affected where advertisements are located where local conditions present traffic hazards.
14. I saw during my site visit, albeit at a snapshot in time, a steady flow of traffic in both directions along the stretch of Forest Road between the junctions with Martin Street and Hammercliffe Road, including vehicles turning onto and off Forest Road at the latter junction. The following factors contribute to the apparently busy nature of the stretch of road in the vicinity of the site: the presence of a number of road junctions leading onto Forest Road; bus stops on both sides of the road; vehicles parking on the western side of Forest Road; customers visiting the off licence and convenience store beneath the poster site; cyclists and pedestrians as well as vehicles using the route. Furthermore, the Local Highways Authority states that the road has a relatively poor accident record, albeit a detailed accident report is not presented.
15. Taking the above together, this appears to be a location with various competing distractions for road users, where concentration of motorists, pedestrians and cyclists at street level is of substantial importance.
16. Within the above context, and given the elevated position of the proposal, I find that the changing images in the LED-illuminated display would result in significant potential distraction to motorists, cyclists and pedestrians travelling along the northern part of Forest Road in a southerly direction. The sense of the images somewhat abruptly being revealed to road users moving from the sweeping curve to the straighter stretch of road would exacerbate this risk.
17. My attention is drawn to cases of advertisement display sites in other cities and towns elsewhere in the UK. I also note the review of key literature cited by the appellant in support of the case for the acceptability of introducing static digital advertising in place of existing poster and paste billboards, in road safety terms. Nevertheless, the appeal proposal has its own setting and circumstances, and, as such, I assess it on its own merits.
18. Conditions have been suggested by the appellant which would control, amongst other things, luminance levels, 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 concern over the potential distraction which would result from the proposal. Therefore, I conclude that the proposal would prejudice public safety and, as such, conflict with the aims of the Framework.
19. Policy CS15 of the CS does not specifically cover highway safety and so is not engaged in respect of this matter.

Other Matters

20. The proposal would increase the revenue potential of the site. It would also reduce the need to paste up paper posters, although the frequency of inspection and maintenance checks may limit reduction in carbon footprint and

¹ Reference ID: 18b-067-20140306.

vehicle emissions. In any case, as advertisements should only be controlled in the interests of amenity and public safety, the benefits carry limited weight.

Conclusion

21. I conclude that the proposed advertisement would have an unacceptable impact on amenity and public safety. For the reasons given above, I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR