
Appeal Decision

Site visit made on 10 February 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/N4720/Z/19/3238879

7 City Walk, Holbeck, Leeds LS11 9AT

- 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 Mark Wilkinson (Infinity Outdoor Ltd) against the decision of Leeds City Council.
 - The application Ref 19/04608/ADV, dated 23 July 2019, was refused by notice dated 2 October 2019.
 - The advertisement proposed is freestanding digital screen mounted on a steel structural support.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Wilkinson (Infinity Outdoor Ltd) against Leeds City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The relevant Regulations regarding advertisements stipulate that control may only be exercised in the interests of 'amenity' and 'public safety'. In determining the appeal, the Council's development plan policies (and advertisement standards guide) are not determinative, but I have taken them into account as a material consideration.
4. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived inconsistent comments from different Officers of the Highway Authority; and also, inconsistency in its decision-making on advertisement proposals overall. These are matters that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
5. The appellant has also raised concerns in relation to the late submission of additional evidence by the Council. However, the appellant has had opportunities to comment on the Highway Authority statement and has done so by submitting a formal response. Consequently, I am satisfied that no party has been prejudiced by my acceptance of this late evidence (and the appellant's response to it) both of which I have considered in my determination of this s78 appeal.

Main Issues

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

Reasons

Visual amenity

7. The Clayton hotel is a modern, stone-clad building located within a largely commercial area of Leeds city centre. Its design and architectural style reflect that of the office buildings close by. The southern elevation of the hotel comprises two parallel rectangular sections of cladding (one to the east and one to the west) which are themselves separated by a rectangular strip of glazing belonging to the internal fire escape stairwell, which exits at the bottom onto an external stairway.
8. The proposal relates to the mounting of a free-standing digital advertisement screen on a steel structural support that would be situated in front of the western section of stone cladding of the southern elevation of the hotel. The proposal (digital screen plus support structure) would measure approximately 7.9 metres in height and approximately 5.4 metres in width with a depth of approximately 1.5 metres. It would also be located far enough from the external cladding to accommodate the external stairway. The base of the digital screen would be approximately 5.5 metres above ground level.
9. Given the fact that the southern elevation of the hotel faces onto a busy thoroughfare, I consider it to be in a prominent location on the street scene (notwithstanding the fact that the western section is slightly further from Meadow Road than the eastern one). As a result, (even though it is free-standing) given its location, size, design and height, I consider the proposal to be a discordant, incongruous and dominant addition to the street scene. Consequently, I find that it would have an adverse impact on the visual amenity of the hotel building, street scene and wider area.
10. I therefore conclude that the proposal would have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant. Policy P10 of the Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted September 2019) (CSSR), Saved Policies BD8 and GP5 of the Leeds Unitary Development Plan Review (adopted July 2006) (UDPR), and the Leeds Advertising Design Guide Supplementary Planning Document (adopted November 2006) (SPD) seek to protect visual amenity and so are relevant in this case. As I have concluded that the proposed advertisement would harm visual amenity, it would consequently also conflict with these policies.

Highway safety

11. The southern elevation of the hotel is in a prominent location which directly faces oncoming traffic using the A653 (Meadow Road), a four-lane carriageway. The proposal would also be situated close to the junction between Meadow Road and Sweet Street.
12. The Highways Authority have objected to the proposal stating that the section of Meadow Road between its respective junctions with Jack Lane and Sweet Street has seen numerous traffic collisions on this busy highway.

13. Furthermore, they have also stated that given its height and position partially behind the traffic signal heads located at the junction of Meadow Road and Sweet Street, that the proposal would be a distraction to drivers thereby creating a highway safety risk.
14. I note the appellant's point that previous Inspectors (for appeal schemes similar to the proposal¹) found that there would be no conflict with nearby traffic signals (due to their height above ground level). However, the proposal (which I have determined on its own merits) would not be as high above ground level as the previous schemes, and its lower position means that it would be situated partially behind the traffic signal heads located at the junction of Meadow Road and Sweet Street. As a result, given its location, size and height, I find that the proposal would be a source of distraction for drivers thereby causing harm to highway safety by confusing their view of the traffic signals.
15. I also note the appellant's points: that the number of recorded accidents in the vicinity of the appeal site have been limited; that given the high volume of traffic on this stretch of Meadow Road means that the volume of these accidents is comparatively low; and that only two accidents occurred close to the appeal site (and that given their nature are irrelevant to the consideration of the potential impact of the proposal). However, the fact remains that several recorded traffic accidents have occurred on this section of road and for the reasons set out above the proposal would likely lead to an increase in their frequency, nonetheless.
16. I acknowledge that the electronic screen display would change every 10 seconds in contrast to the previous scheme². However, whilst this would address some concern in this regard, I consider that it would not be enough to prevent the proposal from being a cause of distraction for drivers given its lower position within the street scene and close proximity to traffic signal heads which would cause confusion regardless of this two-second difference. Moreover, whilst the approach along Meadow Road and its junctions near the appeal site would no doubt not appear to be complicated or difficult to navigate for drivers familiar with them, this would not be the case for new visitors using this busy route to the city centre who would potentially be even more distracted and confused by the proposal than other drivers.
17. Whilst I also acknowledge that some harmful aspects of the proposal could potentially be partially mitigated by attaching conditions requiring a road safety audit, servicing management plan and controls on luminance and clearance distances. However, in this case, I am not satisfied that these would be sufficient to overcome the harm to highway safety that I have identified above.
18. Therefore, based on the evidence before me, I conclude that the proposal would have a harmful effect on highway safety. In accordance with the Regulations, I have considered the provisions of the development plan so far as they are relevant. Saved Policy GP5 of the UDPR and the SPD seek to protect highway (public) safety and so are relevant in this case. As I have concluded that the proposed advertisement would harm highway (public) safety, it would consequently also conflict with these policies.

¹ See Appeal Ref APP/N4720/Z/17/3176142 & Appeal Ref APP/N4720/H/13/2208287

² See Appeals Ref APP/N4720/Z/17/3176142

Other Matters

19. In support of the appeal scheme the appellant has referred to several other schemes for similar advertisements that have been granted planning permission (including one close to the appeal site and next to Meadow Road). However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken. In addition, the circumstances applicable to these schemes (site location and context in relation to the local highway network) are not exactly the same as those presented in this case, which I have determined on its own merits. The existence of similar development proposals in the locality (or elsewhere) does not outweigh my findings in respect of the main issues above.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR