
Appeal Decision

Site visit made on 11 February 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/N4720/Z/20/3264297

Advertising Right Junction of South Accommodation Road, Hunslet Road, Hunslet, Leeds LS10 1JX

- 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 Richard Page (Wildstone) against the decision of Leeds City Council.
 - The application Ref 20/03468/ADV, dated 15 June 2020, was refused by notice dated 4 November 2020.
 - The advertisement proposed is Conversion of 1 no. 96-sheet internally illuminated advertising display and 1 no. 48-sheet internally illuminated advertising display to 2 no. 48-sheet digital format advertising displays.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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.

Main Issue

3. The main issue is the effect of the proposed advertisement displays on highway (public) safety.

Reasons

4. The proposed digital display screens would be in a relatively prominent location on the highway near busy junctions at the intersection of Hunslet Road and South Accommodation Road.
5. The Highways Authority have objected to the proposal stating that the screens would be likely to be a distraction to drivers and therefore increase the number of signal violations to the detriment of highway safety. According to the Council's Officer report there have been approximately four collisions in the last five years at the junction of South Accommodation Road and Hunslet Road with two of these being the result of signal violations, one occurring due to the signals not being in operation with the fourth reason being unknown meaning that collisions at this junction are a result of a lack of attention.

6. While on my site visit, I observed that these junctions were busy and that as a result it would be a necessity for a driver to pay full attention to the signals and other traffic and pedestrians in the vicinity in order to navigate them in a safe manner.
7. The existing signs comprise internally illuminated static displays. The proposal would replace these with two large digital screens located in prominent positions close to the approaches to the busy intersection of Hunslet Road and South Accommodation Road and its related traffic signals. The advertisement displays on the proposed screens would change at regular intervals. One of the proposed screens would be much larger than the other.
8. Given the proximity of the larger of the proposed screens to the traffic signal heads located at one of the junctions, its substantial size, and the fact that its display would intermittently change, I find that it would be a potential source of distraction for drivers thereby causing harm to highway safety by confusing their view of the traffic signals.
9. In relation to the smaller proposed display screen, I acknowledge that given its position further away from the traffic signal heads on the approach to one of the other junctions, it would potentially not be as distracting as one closer to the signals would be. However, even so, this does not mean that it would not be distracting to drivers at all.
10. Furthermore, the proposed screens would change the existing advertisements from static internally illuminated displays to digital illuminated screens with intermittently changing displays. Therefore, it would be reasonable to think that they would introduce a new element to the visual field of nearby drivers that could potentially cause more distraction to them while using the junction than what is there currently. Moreover, the proposed display screens would not be coordinated to traffic signal changes, so there is also an increased likelihood that a driver could potentially be distracted at an important moment in the signal sequence which would not be in the best interests of highway safety.
11. In any event, it seems to me to be self-evident that any increase in distraction for a driver would not be in the best interests of highway safety. Electronic signs are designed to change display at regular intervals which could also reasonably be an added potential distraction as the eye would be naturally drawn to a changing scenario. It therefore seems valid to conclude that roadside advertising can be detrimental to performance and pose a distraction for drivers, since that is their purpose. It also seems reasonable to conclude that digital displays, because of their particularly eye-catching nature, have the propensity to potentially cause greater or longer distraction.
12. I acknowledge that there is an existing digital display south of the site location. However, this is not as close to the junction or the traffic signals as the proposal would be.
13. I also acknowledge that according to the appellant's evidence, several reported traffic incidents nearby occurred at a location past the larger proposed display screen where traffic was travelling on the southbound carriageway of Hunslet Road. However, the same evidence also shows that these same incidents, including one serious one, were at a point of the junction where the southbound traffic intersects with the northbound traffic turning towards South Accommodation Road. Additionally, this northbound traffic would travel towards

and past the smaller proposed display screen which, given its location, could therefore also potentially distract drivers and possibly increase the likelihood of traffic incidents in this location as a result.

14. Whilst I note that some harmful aspects of the proposal could potentially be partially mitigated by attaching conditions restricting the brightness of the advertisements' illumination, restricting the length of display time for each advertisement and the interval between successive advertisements, prohibiting special effects and message sequencing relating to the same product. 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.
15. I also note that it would be less likely that the proposed screens would pose a distraction to pedestrians using the crossings at these junctions. However, this does not overcome or outweigh the other harm to public safety that I have found regarding the proposal's potential to distract drivers using these junctions.
16. Taking this matter in the round I am therefore not satisfied that the locations of the proposed digital advertisements are such that they would not cause undue risk to highway (public) safety.
17. Accordingly, based on the evidence before me, I conclude that the proposal would have a harmful effect on highway (public) 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 adopted Leeds Unitary Development Plan, Policy T2 of the adopted Core Strategy and the adopted Advertising Design Guide Supplementary Planning Document which 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.

Conclusion

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

C Coyne

INSPECTOR