



Appeal Decision

Site Visit made on 21 September 2021

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/N4720/Z/21/3281124

Bewleys Hotel, 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 Bewleys Hotels Ltd against the decision of Leeds City Council.
 - The application Ref 21/04758/ADV, dated 27 May 2021, was refused by notice dated 22 July 2021.
 - The advertisement proposed is a 6 x 4 x 0.6 m LED display in a portrait form on the southern elevation of the Clayton Hotel, some 9.3m above ground level to the base of the advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the application form. However, I note that the site address is also given as Clayton Hotel on some documents, which based on the hotel signage, appears to be the current name of the hotel.
3. The Regulations to control advertisements require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my determination of this appeal.

Main Issues

4. The main issues are the effect of the proposed advertisement on public safety and local amenity.

Reasons

Public safety

5. The proposed advertisement would be positioned on the southern elevation of a large hotel building. The location is close to, and directly faces, a busy highway intersection on a main approach into the city. The advertisement would be an internally illuminated digital display showing sequential static images every ten seconds.
6. The Council's objection to the proposed advertisement on public safety grounds has been informed by an objection from the Highway Authority. As in previous advertisement appeals at the site drawn to my attention, concerns are raised regarding the potential for distraction for motorists in a location where they

- need to be able to read traffic signage and lights, and be aware of other vehicles and cyclists changing lanes.
7. The appellant maintains that the highway network around the site is not complex and has clear and easy to understand road signs and markings. However, that is not the conclusion reached by the Inspectors in the previous appeals here. The Highway Authority advises that there has been no change in highway conditions since the previous appeal decisions.
 8. The approach to the site splits into four lanes, including a bus lane, and there are multiple traffic lights around the junction with Sweet Street, which also contains pedestrian crossings. It strikes me that even for drivers who may be familiar with the road layout, there are nevertheless a number of highway factors to take into account which demands a high degree of concentration on the road at this point.
 9. The PPG establishes that advertisements in locations where drivers need to take more care, including junctions and pedestrian crossings, are more likely to affect public safety. The PPG also lists the main types of advertisements which may cause danger to road users as including those which, because of their size or siting, would confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal; and those externally or internally illuminated signs which could distract road users.
 10. By virtue of its elevation, size, and siting, the advertisement would be prominent in drivers' field of view on the direct approach from the south, and would be seen closely with, if not against traffic control lights, particularly the set of double-tiered lights located in front of the hotel gable. In my judgement, the illumination and intermittent changing imagery would distract the attention of some drivers. The additional visual information, resulting in even momentary distraction and delayed reaction on the approach to the busy junction, would increase the risk of conflict between road users. Conditions to control the nature of the image transition, moving images and luminance would not sufficiently mitigate for the distracting nature of the display in this context.
 11. The appellant states that the approach to the site has no accident problems, but no substantive evidence has been presented to support this assertion. However, even if that were the case, it is not a justification for introducing a distracting feature into this area to the detriment of public safety.
 12. I have had regard to the Council decisions referred to by the appellant, including for digital hoarding and free-standing displays in the vicinity. However, I am not persuaded that they represent a direct parallel to the appeal proposal, particularly with regard to the highway context of the site. In any event, rather than relying on the approach the Council may have taken elsewhere, I have necessarily considered the appeal on its own merits.
 13. I therefore conclude, on this issue, that the proposed advertisement would result in an adverse and unacceptable impact on public safety.
 14. Whilst not decisive, the proposal would also conflict with the general public safety aims of saved Policy GP5 of the Leeds City Council Unitary Development Plan (Review 2006) (the DP).

Amenity

15. In contrast to the other large-format advertisements in the vicinity, the proposed advertisement would be located on a building and in a highly prominent position facing directly towards oncoming traffic.
16. The appellant states that the proposal has been reduced in size by 55% compared to the most recent scheme. Even so, owing to its prominence, size, and method of illumination, the proposed advertisement would be an incongruous feature on the building and a visually intrusive addition to the street scene, notwithstanding the urban character of the surroundings.
17. Although the illumination of the display could be controlled to respond to changing ambient light levels and be significantly reduced at night, it would still be a highly conspicuous element due to its nature, size, and prominence.
18. I therefore conclude, on this issue, that the proposed advertisement would have a harmful effect on the amenity of the locality.
19. Whilst not decisive, the proposal would also conflict with Policy P10 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019), and saved Policies BD8 and GP5 of the DP, insofar as they seek to protect visual amenity. It would also conflict with the Framework where it states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

20. I acknowledge the economic difficulties brought about by an unprecedented global pandemic and the appellant's desire to promote their hotel and hospitality offerings. However, this is not a justification for the unacceptable harms I have identified.

Conclusion

21. For the reasons given above, I conclude that the proposed advertisement would be detrimental to the interests of public safety and amenity. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR