The Planning Inspectorate

Appeal Decision

Site visit made on 26 January 2022

by M Clowes BA (Hons) MCD PGCERT (Arch con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/A4710/Z/21/3283271
Advertising Right at 53 Keighley Road, Illingworth, Halifax HX2 8AR

- 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 Wildstone Estates Limited against the decision of Calderdale Metropolitan Borough Council.
- The application Ref 21/10014/ADV, dated 21 May 2021, was refused by notice dated 27 July 2021.
- The advertisement proposed is described as upgrade of existing 48 sheet advert to support digital poster.

Decision

1. The appeal is dismissed.

Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), paragraph 136 of the National Planning Policy Framework (the Framework, 2021) and the Planning Practice Guidance (PPG) all confirm that advertisements should be subject to control only in the interests of amenity and public safety. Both main parties agree that the proposal would not harm visual amenity. Accordingly, the main issue in this appeal is the effect of the proposed advertisement upon public safety.

Reasons

3. The appeal site forms the side elevation of a stone built property, currently occupied as a local convenience store and post office. It is located on Keighley Road (A629), a highly trafficked route into Halifax. To the north-west is a car park and hotel lodge and on the opposite side of Keighley Road is Moorside Community Primary School. There are also numerous closely spaced junctions in the vicinity of the site.

4. An existing non-illuminated 48 sheet paper and paste billboard would be replaced with a digital display of the same size. An existing externally illuminated fascia sign above the existing billboard that advertises the convenience store would remain.

5. The PPG emphasises that all 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. Given its position on the flank wall of the host building, the display would only be visible to vehicles travelling along Keighley Road in a south-easterly direction. In this direction of travel, the site is approached down a slight gradient on a straight section of road. The speed

limit is restricted to 30mph and speed cameras are also present. To the front of the appeal site is a car park with separate in and out accesses. Between the access points, is a zebra crossing with flashing beacons to either side.

6. The Highway Authority objects to the proposal as it considers the advertisement would be a distraction to drivers approaching the zebra crossing. It advises that Keighley Road has significant vehicular and pedestrian movements and a history of speeding problems. During my visit I observed that Keighley Road has a continual, steady stream of traffic and that the crossing is well used. This use would increase at certain times of day due to the proximity of the school. Whilst there are zig-zag lines to preclude car parking either side of the crossing and outside the school, there are unrestricted areas of the road where on-street parking occurs, including during school pick-up and drop-off times as confirmed by the Highway Authority. This creates more hazardous conditions for traffic to negotiate including car doors opening, pedestrians in the road, and pedestrians crossing at points other than the formal crossing.

7. The advertisement would be viewed by approaching vehicles to the right of Keighley Road for some distance. However, once drivers are level with or beyond the entrance to Holly Park Way and close to the zebra crossing, the proposed sign would be viewed behind the right-hand beacon. Illumination of the sign with different coloured images would diminish the ability of drivers to see this warning beacon clearly. Due to the proximity of the crossing to the advertisement, drivers would not have sufficient time to assimilate the information shown on the display before they reach the crossing. It would be particularly hazardous if drivers fail to see pedestrians crossing at the left-hand side of the road, due to their view being diverted by the advertisement to the right. Given there are no other comparable illuminated advertisements of this size and form in the immediate area, the display would be even more conspicuous to passers-by. I find a distraction would therefore be provided at a point where drivers' focus needs to be on the road layout ahead, anticipating the use of the crossing by pedestrians, or by vehicles waiting to cross into the entrance of the car park.

8. Although a snapshot in time, during my visit I witnessed 2 instances where drivers failed to stop for pedestrians waiting to use the zebra crossing, despite it being daylight and good weather. Even though conditions could be imposed to prevent moving or flashing images and to control the length of display and rate of image change, they would not provide sufficient mitigation to prevent driver distraction on the approach to the zebra crossing and school beyond.

9. The Highway Authority refers to several accidents in the vicinity of the site, while the appellant suggests there has been only one. No detailed accident records have been provided by either party. Nevertheless, such records detail the past situation, rather than considering the future impact of the development on public safety. The proposed advertisement is materially different in character and appearance to the existing paper and paste billboard and therefore, I do not find it comparable in public safety terms to this proposal.

10. The Vectos report aims to inform proposals for converting billboards to digital displays. However, it is generalised and does not provide a specific analysis of the impact of the display before me. Examples cited of approvals for digital

advertisements are in different towns and cities, with different site and road contexts, such that they are not comparable. The appellant further refers to the Transport for London 'Guidance for Digital Roadside Advertising and Proposed Best Practice' document. The site is not in London and therefore the guidance does not apply to this context. These matters do not affect my overall findings.

11. Reference has been made to the proposed advertisement reducing CO_2 emissions and waste through reduced vehicle trips to the site, to replace the current poster sheets and their subsequent disposal to landfill. However, no evidence has been provided to quantify the claimed reduction in CO_2 emissions. Likewise, I have no evidence that the suggested social and economic benefits of the proposal, including use of the display for emergency messages would occur, or that the development would reduce the number of displays across the network. Nonetheless, these matters do not justify allowing a development that would cause harm to public safety.

12. I conclude that the proposed advertisement would be a hazard to public safety given its proximity to a zebra crossing and school, and the frequency of nearby side roads and access points. Accordingly, the proposal would be contrary to paragraph 136 of the Framework, which seeks to control advertisements in the interests of public safety, and the guidance contained within the PPG.

13. The appellant has suggested that Section 8 of the Replacement Calderdale Unitary Development Plan (2009) is applicable to the appeal. Policies BE12 and BE13 contained within this section were deleted by direction of the Secretary of State in 2009. They are not relevant to my decision as a result.

Conclusion

14. For the reasons identified above, I conclude that the display of the advertisement would be harmful to public safety and the appeal should be dismissed.

M Clowes

INSPECTOR