



Appeal Decision

Site visit made on 8 March 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/N4720/Z/22/3292036

Advertising Right No 0309 01, Sheepscar Street South, Sheepscar, Leeds LS7 1AQ

- 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 Leeds City Council.
 - The application Ref 21/09308/ADV, dated 4 November 2021, was refused by notice dated 20 December 2021.
 - The advertisement proposed is the upgrade of 48 street 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 proposal on (i) public safety and (ii) amenity.

Reasons

Public safety

3. The road on the approach to the site of the proposed advertisement is a dual carriageway which has a straight alignment before it turns to the left beyond a traffic signal-controlled pedestrian crossing. However, due to the positioning and height of the adjacent building, full views of the proposed display taken down Sheepscar Street South would be concealed to drivers heading towards it until they were near to both the sign itself and to the pedestrian crossing.
4. The relatively sudden appearance of the proposal, and in particular if this was at a time where the image transitioned, together with its angle to the carriageway and its internal illumination, would draw the attention of drivers away from the road. This would be at a point that they would need to anticipate traffic stopping and queuing at the signals or make a sharp left turn. Given the close proximity to the crossing point where traffic would be stopping and queuing on a frequent basis and to the bend in the road, I have significant concerns that such driver distraction would result in harm to public safety.
5. The appellant has submitted a Highways Technical Note (TN) but its submission during the appeal process means that it has not had the benefit of formal consultation with the Highway Authority (HA), nor have they or the Council had the opportunity to make comment on it. I acknowledge that the TN does identify matters relating to the alignment of Sheepscar Street South, to the

presence of buildings on the same side of the road as the appeal site and to the resultant visibility that the proposal would have. However, in the absence of formal comments from the HA and the Council on the TN and given the significant concerns that I myself have identified at my site visit, I cannot conclude based on the evidence that is before me that the proposal could be accommodated on the appeal site without causing harm to public safety as a result of driver distraction.

6. Whilst the proposed sign would be visible from some parts of the pedestrian crossing, this is a traffic signal-controlled crossing which brings traffic to a halt before people cross. Aside from the above concerns in relation to driver distraction, the proposal would not adversely distract pedestrians as they used the crossing. Due to the relatively low speeds that cyclists would be travelling past the site and given that they are provided with a separate path to pedestrians and motor vehicles, there would not be harm to their safety either.
7. I acknowledge that there was a previous display on the site which has now been removed. This advertisement did not however appear to be internally illuminated, nor did it display images that transitioned from one to another. Its impact would not have therefore been comparable to the appeal proposal, notwithstanding that it is no longer in place. The TN also provides examples of similar displays at other locations throughout the country, but I must make my assessment on the impact that would arise specifically from the appeal proposal.
8. In conclusion, for the above reasons I have significant concerns that the proposal would cause harm to public safety and I find that the information before me does not allow for the complete and fully considered assessment which would be needed to overcome such concerns. I have taken into account Saved Policy GP5 of the UDP which requires proposals to maximise highway safety, and so is material in this case, together with paragraph 136 of The Framework. Harm to public safety means that the proposal would also conflict with these policies, along with conflicting with the Advertisement Design Guide Supplementary Planning Document 2006 (SPD) in the same respect.

Amenity

9. The appeal site occupies a prominent location on the side elevation of the building, on what is a main arterial route into and out of Leeds city centre. The surrounding area is predominantly commercial in use. There is a substantial amount of other existing signage present in conjunction with these uses. Although those displays generally relate to the businesses operated from the premises on which they are sited, their presence is nonetheless a strong contributor to the character of the area. There is no information before me to confirm that the static hoarding which was present on the appeal site until 2021 could be reinstated, and therefore I cannot afford it weight as a potential fallback.
10. That said, the appeal site is almost entirely surrounded by commercial premises on which there is a great deal of existing signage and is alongside a very wide section of the public highway, beyond which there is an expansive backdrop formed by the gyratory and in which other commercial buildings are visible. Whilst it would be a large and internally illuminated display, it would be set to the side of the road which would reduce its visual impact. It would also be positioned against what is currently a blank brick side elevation of the

adjoining building. The appeal site is therefore, as a result of these factors, a location where a digital poster could be successfully absorbed into the street scene. Accordingly, the proposal would not cause harm to the visual amenity of the area, nor would it lead to unacceptable visual clutter or adversely contribute to an over proliferation of signage in the immediate street scene.

11. For these reasons, I conclude that the proposal would not cause harm to amenity. I have taken into account Saved Policy BD8 of the Leeds Unitary Development Plan 2006 which seeks to protect amenity, and so is material in this case, together with paragraph 136 of The Framework. Given I have concluded that the proposal would not cause harm to amenity, the proposal would also not conflict with these policies. The Council has not identified a conflict with its SPD in its reasons for refusal relating to amenity, and I find no reason to disagree with its findings in that regard.

Other Matters

12. Reference is made to benefits that arise from the use of digital displays with respect to matters such as waste reduction and management, servicing and maintenance efficiencies. However, these benefits appear to arise in comparison to the use of a traditional poster display panel, which is no longer present at the appeal site. There may also be economic benefits arising from the proposal and it is stated that the display could be used for charitable campaigns, public art and emergency messages. However, I can only base my judgement on the effect that the proposal would have on the interests of amenity and public safety.
13. Whilst it is suggested that digital signs strategically reduce advertisement clutter elsewhere, there is no substantive evidence to show that this is the case, and that this would occur as a result of the appeal proposal. However, in any event, this would not address the matter relating to public safety.

Conclusion

14. For the reasons given above, I conclude that whilst there would be no harm to amenity, there are significant and unresolved concerns that the display of the advertisement would be detrimental to the interests of public safety. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR