The Planning Inspectorate

# Appeal Decision

Site visit made on 30 March 2022

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 April 2022**

**Appeal Ref: APP/N4720/H/21/3289443**
**Advertising Right 0704 0863 At St James Hospital, Beckett Street, Burmantofts, Leeds LS9 7JX**

- 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 Air Outdoor Media Limited against the decision of Leeds City Council.
- The application Ref 21/05665/ADV, dated 23 June 2021, was refused by notice dated 26 October 2021.
- The advertisement proposed was originally described as upgrade of existing 48 sheet advert to support digital poster and removal of 48 sheet advert.

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The Council has provided a compendium of research on driver distraction and advertising. As the appellant has had the opportunity to comment on this during the appeal process the appellant has not been prejudiced by its inclusion in the Council's Statement.

## Main Issues

3. The main issues are the effect of the proposed advertisement on public safety and on the amenity of the area.

## Reasons

*Public safety*

4. This part of Beckett Street is busy, despite recent drops in the traffic flow. The road is straight, and traffic does not generally travel at speed. However, there are a variety of users, including, passing ambulances, busses pulling in and out of a nearby bus stop, cars pulling in and out of different car parks and pedestrians crossing the street at a signalled crossing. During my site visit I also saw several pedestrians cross the road between traffic near the bus stop to the south of the appeal site to a pedestrian entrance to the hospital. Given this context within a short stretch of road, drivers along it are faced with increased cognitive demands.

5. Due to the change in type of illumination to a more vivid digital display and the rotation of images, the proposal would draw the eye of southbound road users along Beckett Street more than the existing sign does. There is good visibility of the proposal for southbound traffic and the advert would change its image every 10 seconds, thus reducing the risk of drivers seeing multiple images.

However, there would still be instances where passing motorists would observe the change in display, and this would encourage a motorist to look towards the display to see the new advert.

6. As such, even though the display would not be a surprise to southbound road users, the change in advert and new information would still be a distraction. This could lead to a collision as other road users' manoeuvre, for example with cars pulling out of the car parks or as pedestrians cross the road near the bus stop. Therefore, even having regard to the conditions suggested by the appellant and the reduction in the total advertisement space from the existing situation, the introduction of a rotating digital display in this sensitive location would increase the risk from distraction to an unacceptable level.

7. The proposal would also be seen in combination with the signalled crossing and, despite the difference in luminance levels, it would compete with the signals, particularly if the displayed advert contained similar colours. Moreover, there are numerous road and information signs relating to the car parks along this stretch of road. Drivers do assimilate sensory inputs from multiple sources when driving. However, the greater vividness and changing display of the proposal, would increase the risk of motorist's not reading them. Although the risks from these elements leading to a collision is low, it nonetheless adds to the risks I have identified.

8. I have had regard to the accident data provided and whilst I accept that none were linked to the existing advertisement, it does not alter my assessment that this is a particularly sensitive location. I have been referred to research on roadside advertising including digital displays. Moreover, similar digital advertisements have been granted consent elsewhere and are commonly experienced in an urban transport network. However, I am mindful that the Planning Practice Guidance advises that they are generally unlikely to be a distraction to road users in normal driving conditions. It also advises that public safety could be affected where advertisements are located, for example, at junctions or where local conditions present traffic hazards. In this regard, I have reached my own conclusions on this matter and my concerns relate, not to the principle of digital advertisements, but to the specific local conditions on this part of the highway.

9. The distance from the appeal site to other junctions including the main hospital entrance and Shakespeare Street is such that I do not find harm in relation to those features. However, this does not outweigh my concerns in relation to the road conditions in the immediate vicinity of the appeal site.

10. I therefore conclude that the proposed advertisement would prejudice public safety in the area. The Council has cited the National Planning Policy Framework (the Framework), Policies P10 and T2 of its Core Strategy (CS) and GP5 of its Unitary Development Plan (UDP) and the Leeds City Council Advertising Design Guide Supplementary Planning Document (SPD) in its reason for refusal and I have taken them into account as material considerations. However, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination.

*Amenity*

11. The immediate locality contains numerous forms of advertisements adjacent to Beckett Street, including the existing poster sign which faces both north and south. The presence of these advertisements therefore forms part of the established character of the area.

12. Whilst there are residential properties nearby, they are a reasonable distance away beyond the car parks. As such, the street does not have the character of a quiet residential street but a busy mixed character where a digital advertisement would not appear incongruous.

13. The proposed advertisement would appear comparable in scale to the existing advertisement with only small differences in its elevation. Positioned adjacent to the car park and with other buildings spaced away from the appeal site and with the larger residential blocks and hospital nearby, the proposal would relate well in scale to its surroundings. Moreover, additional conditions could control the appearance of the advertisement which would ensure that it would not appear visually intrusive, in respect of the amenity of the area, despite being a distraction to oncoming traffic.

14. I therefore conclude that the proposed digital advertisement would not have a harmful effect on the visual amenity of the area. I have taken into account Policy P10 of the CS, Policies GP5, BD8 of the UDP, the SPD and the Framework, which broadly promote good design and have been cited by the Council in the reason for refusal. As I have concluded that the proposal would not harm amenity, it does not conflict with these policies. However, as the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity, they have not been decisive in my determination.

**Other Matters**

15. I do not have substantive evidence regarding the potential environmental benefits between the existing display versus the proposed digital display. However, I recognise that there are economic and social benefits from digital advertisements including, amongst other things, being able to respond quickly and to display emergency messaging. Given that this is one advertisement such benefits are likely to be small and there is no firm detail as to why such benefits could not be derived at other locations without the public safety concerns that I have identified.

**Conclusion**

16. Drawing the above together, the absence of harm in relation to amenity is a neutral matter and even considering the benefits put forward, they do not outweigh the harm I have identified to public safety in the area.

17. For the reasons given above, the appeal is dismissed.

*Mr R Walker*

INSPECTOR