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## Appeal Decision

Site visit made on 12 July 2022

**by Paul Cooper MSc MRTPI**

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

**Decision date: 09 August 2022**

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**Appeal Ref: APP/N4720/H/22/3295619**

**132 Beckett Street, 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 Ltd against the decision of Leeds City Council.
  - The application Ref 21/09633/ADV, dated 19 November 2021, was refused by notice dated 1 March 2022.
  - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster and removal of 48 sheet advert.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council have referenced a number of policies in the development plan as well as a Supplementary Planning Document. Powers under Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In the determination of this appeal, the Council's policies have not therefore, in themselves, been decisive.

### Main Issues

3. The main issues in this appeal are the effect of the development on public safety as it relates to road users and the effect of the development on the amenity of the area.

### Reasons

#### *Public Safety*

4. Beckett Street is a busy highway, and the appeal site is located close to St James Hospital. The locality includes a well-used bus stop given the proximity to the hospital, various car parks with vehicles coming and going regularly, and a pedestrian crossing.
5. The appeal site contains an existing non-illuminated sheet advertisement, located at right angles to the northbound traffic flow. There is a similar advert facing the southbound traffic flow. There are other advertisements in the locality, but these tend to be smaller in scale.

6. The advertisement would be in a prominent position easily visible to northbound traffic flow. I have no doubt that the advertisement would meet all relevant best practice guidance but there is also no doubt that the illumination would result in a visually prominent feature that would stand out from other advertisements and dominate the street scene. This would be magnified by the periodic changing of the illumination that would draw further attention in a locality where the attention of drivers is paramount due to the nature of the surroundings as identified above.
7. I find that an advertisement with changing displays and illumination would be unduly distracting to drivers in an area that is high in levels of things that fight for the attention of drivers, when concentration is absolutely necessary.
8. The PPG states that all advertisements are designed to attract attention, with those proposed at points where drivers need to take care are more likely to affect public safety. According to the evidence supplied by the Council, there is previous history of traffic/pedestrian incidents in the area, which demonstrates the presence of an issue in the locality.
9. In accordance with the regulations, I have taken into account policies P10 and T2 of the Leeds Core Strategy (as amended) (2019) (the CS), policy GP5 of the Leeds Unitary Development Plan (the UDP) and the guidance set out in the Advertising Design Guide Supplementary Planning Document (the ADG), I find the proposals contrary to the guidance set out in paragraphs 111 and 136 of the National Planning Policy Framework (the Framework)

#### *Amenity*

10. The existing poster signs that look toward north and south bound traffic respectively form part of the intrinsic character of the area. There are a limited number of residential properties in the area as the locality is dominated by St. James hospital and the overall hospital site.
11. The advert is part of a pair looking toward the north and southbound carriages and the proposal would be similar in size to the existing. Located at the edge of the car park, it would not look out of place in the locality, which is not residential in nature and would not be obtrusive within the street scene.
12. With regard to this issue, I do not find the appeal proposal would conflict with policy P10 of the CS, policies GP5 and BD8 of the UDP and the guidance set out in the ADG and the Framework.

#### **Conclusion**

13. Nonetheless, the harm that I have identified in the previous issue with regard to public safety means that taking into account all relevant matters, the appeal is dismissed.

*Paul Cooper*

INSPECTOR