



Appeal Decision

Site visit made on 27 October 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/N4720/Z/22/3306352

Units 1 and 2, 19 Sheepscar Street South, Leeds LS7 1AD

- 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 22/02965/ADV, dated 11 March 2022, was refused by notice dated 21 July 2022.
 - The advertisement proposed is Upgrade of existing sheet adverts to support digital posters.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisements on the amenity of the area and on public safety.

Reasons

Amenity

3. The appeal site is located along a busy road near the city centre. Here there is a prevalence of commercial premises and many types of signage, of varying sizes and means of illumination. The presence of these advertisements, therefore, contributes to the area's overall character.
4. The existing advertisements at the appeal site are externally illuminated with the lighting pointing downwards at the paper and paste sheet adverts. The permanence of the images of the two signs and the texture of the sheet materials assimilates the signs well within its surroundings. They are clearly visible but do not appear overly cluttered or intrusive.
5. This would contrast with the proposed internally illuminated digital signs, where the nature of the internal illumination would result in distinctly sharp and vivid images. Moreover, the rotation of the display every 10 seconds means that the images on the advertisements would never have chance to assimilate within its surroundings. In this regard, the proposals would be significantly more eye catching than the existing advertisements.
6. In this location, the two advertisements proposed would be on either side of the same corner of the building and, like the existing signs, would be seen together in some parts of the road. The combined effect of two digital displays, with rotating images, in such close proximity, and seen together, would be an overly distracting feature that would appear significantly more cluttered than

the existing situation. This would be to the detriment of the visual amenity of the area, even considering the commercial surroundings and the number of other signs present.

7. The positioning of the southern facing sign immediately adjacent to the windows of the commercial premises adds to my concerns. I have no firm details of how the rooms served by the first-floor windows adjacent to the advertisement are used. However, being in such close proximity the distraction from the rotation of images, and internally illuminated nature of the advertisements with the vividness of the images would be unduly intrusive.
8. The appellant has indicated that the advertisements would be illuminated to levels that would be halved from the level recommended in the Institute of Lighting Professionals best practice guidance to 150 cd/sqm. Although this would reduce the brightness, it would not overcome my concerns regarding the intrusiveness of rotating digital images seen on two screens in combination.
9. In reaching my conclusion I accept that the size of the advertisement screens would not appear excessively large on the building, particularly having regard to the existing signage. Moreover, even with the conditions suggested by the appellant that would control the nature of images, including restrictions to prevent moving images, they would not alter my fundamental concerns regarding the character of two internally illuminated digital display screens showing rotating advertisements.
10. I therefore conclude that the proposed advertisements would have a harmful effect on the amenity of the area. The Council has cited the National Planning Policy Framework (the Framework), Policies GP5 and BD8 of its Unitary Development Plan (UDP) and Policy P10 of its Core Strategy (CS) in its reason for refusal. 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.

Public safety

11. The proposed advertisements would be visible to both north and southbound traffic along the Sheepscar Street South (A61) which is a busy arterial route in the city. Digital advertisements of the size and form proposed are commonly experienced in an urban transport network such as the A61. Consequently, having regard to the Planning Practice Guidance (the Guidance), they are not generally of an 'unusual nature' and are unlikely to be a distraction to road users in normal driving conditions.
12. However, paragraph 067 of the Guidance (*Reference ID: 18b-067-20140306*) advises that public safety could be affected where advertisements are located, for example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge, level crossing or other places where local conditions present traffic hazards. This paragraph does indicate that there are less likely to be road safety problems if, amongst other things, the advertisement is on a site within a commercial or industrial locality or a normal poster panel. In this instance, the appeal site lies within a commercial area. However, the proposals are not for normal poster panels, but digital displays where the images would regularly change.

13. For southbound users the proposed advertisement would be partially obscured by the staggered design of the building. This means that road users would not have sight of the full advertisement from afar and would have a small window from which to assimilate the digital image in conjunction with other road features. More crucially, the point at which a road user approaches the advertisement, could also coincide with a rotation of an image. The appellant indicates that the risk of this would be low. However, I disagree, given the busy nature of the road there would regularly be cars approaching the advertisement at the point when the image is programmed to rotate.
14. The rotation of a new image, combined with the sharpness and richness of the image displayed by the digital technology, even at the lower brightness level proposed, would be an eye-catching feature for motorists. The road network at this point, when approaching and passing the appeal site, requires a particular degree of attention on the approach to the roundabout with lane changing and vehicles exiting Benson Street.
15. Vehicles heading northbound along the A61 would see the south facing advertisement initially, but it would be partially obscured by the staggered design of the building and another sign. As such, drivers would not have full sight of the image until they are closer and would also be looking across the southbound traffic to read the sign. This is at a point when the carriageway has just opened from a single lane to two lanes, vehicles are manoeuvring away from the roundabout, passing a short lay-by parking area and approaching a signalised junction. All of which necessitates a high degree of attention from road users.
16. Moreover, as drivers approach close to passing the appeal site, both advertisements would become visible together. Again, the rotation, sharpness and the richness of the images would attract attention at a time when the focus should be on reacting to other road users, such as vehicles pulling out of the lay-by that is opposite the appeal site.
17. The accident records provided by the appellant indicates that there have been a small number of accidents within the vicinity of the appeal site. None of the accidents were recorded as being a result of driver distraction from external sources. However, that is not a reason to introduce a source of driver distraction in a place where local conditions present traffic hazards that necessitates the particular focus of road users.
18. I therefore conclude that the proposed advertisements would have a harmful effect on public safety. The Council has drawn my attention to Policy GP5 of its UDP, Policy T2 of its CS and the Framework in its reason for refusal. For the reasons previously stated, whilst I have taken these policies into account as material considerations, they have not been decisive in my determination of this appeal.

Other Matters

19. Both parties have referred to various appeals and case studies regarding digital advertisements and road safety and various appeals in relation to visual amenity. The differing positions illustrate that there is not a conclusive position in terms of the effects on driver distraction. In any case, my concerns do not relate to the principle of digital advertisements. Instead, it is this particular location, and how these particular advertisements would be seen in this

location along the A61 that is of concern in respect of both public safety and amenity.

20. One of the appeals (Ref: 3292036) was particularly close to the appeal site. In respect of the Inspectors conclusions on amenity, that appeal can be distinguished from the proposal before me as it was for a single digital display screen, rather than two that could be seen together. Moreover, I note that the appeal was dismissed due to concerns regarding public safety.
21. As the power to control advertisements under the regulations is exercised in the interests of public safety and amenity, any small environmental, social or economic benefits emanating from two digital displays do not outweigh my conclusions on the main issues.

Conclusion

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

Mr R Walker

INSPECTOR