



Appeal Decision

Site visit made on 22 August 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/N4720/Z/23/3322001

19 Advert Right 6028 01 Gable Of, Sheepscar Street South, Sheepscar, 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 23/00925/ADV, dated 8 February 2023, was refused by notice dated 29 March 2023.
 - The advertisement proposed is described on the application form as the 'Upgrade of 1x existing 48 sheet advert to support digital poster and removal of 1x 48 sheet advert.'
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Whilst the application form refers to the removal of a 1 x 48 sheet advert on my site visit it was clear that no such sign was being displayed at the time. That said, there is no dispute between the parties that a poster advertisement has been displayed at the appeal site in the past.

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. The proposed advertisement 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 on 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.
5. 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 indicates 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 predominantly commercial area. However, the proposal is not for a normal poster panel, but a digital display where the images would regularly change.

6. For southbound users, the proposed advertisement would be partially obscured by the staggered design of the buildings but would come into view as they approach the traffic lights at the junction of Sheepscar Street with Benson Street. This would be particularly the case for drivers in the two right hand lanes. As a result, road users would not be able to fully comprehend the contents of the advertisement until they are quite near to the appeal site. This could coincide with a change of an image and/or when the traffic lights are changing colour.
7. The appellant indicates that the proposed site is in an uncomplicated location with slow moving traffic, where drivers should be able to navigate with ease. As a result, the demand on road users is low, and drivers would be capable of glancing at the proposed advertisement, whilst also having an awareness of nearby traffic and maintaining reasonable separation between vehicles.
8. However, from what I have seen and read, I disagree, with the appellant's appreciation of the site's context and drivers response to their environment. In particular, given the busy nature of the road, there would be a requirement for a high degree of attention by drivers, at all times, as they approach the roundabout that lies to the south, due to lane changing and vehicles exiting Benson Street. Given its siting, size and means of illumination, the proposed advertisement would undoubtedly create an additional visual distraction for drivers, at a time when other vehicles are slowing down or undertaking turning movements. This could very well have severe consequences with potential collisions and injuries.
9. Drivers of vehicles heading northbound along the A61 would not have a clear view of the advertisement due to the staggered arrangement of the buildings. Furthermore, I note that the highway authority have made no specific comments regarding the potential effect on driving behaviour for northbound traffic. That said, it does not alter my views with regard to the effect of the proposal on public safety with respect to southbound road users.
10. 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.
11. Accordingly, on this main issue, I consider that the proposal would be likely to cause unacceptable harm to public safety. Insofar as they are material, the proposal would not accord with Policy GP5 of the Leeds Saved Unitary Development Plan (UDP), Policy T2 of the Leeds Core Strategy (CS) and the National Planning Policy Framework (the Framework). These policies jointly, amongst other matters, seek to prevent development that would result in an unacceptable impact on highway safety. 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

12. 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.
13. Paragraph 79 of the Guidance (*Reference ID: 18b-079-20140306*) indicates that the decision maker should consider the local characteristics of the neighbourhood in which an advertisement is to be displayed. This might mean that whilst a large poster-hoarding would be refused where it would dominate a group of listed buildings, it might be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways), where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.
14. It is clear to me that the proposed development would be in a predominantly commercial area, directly adjacent to a dual carriageway. The properties in the locality vary in size and include multi storey buildings. In this context the size of the proposed advertisement would not appear out of scale or keeping with the area. Furthermore, it would not be excessively large, when taking into consideration the size of the building on which it would be displayed, and the signage that previously occupied the site. That said, it would contrast with its predecessor in that it would contain distinctly sharp and vivid images, and display changes every 10 seconds, which would mean that the images on the advertisement would not blend naturally into its surroundings. However, given the varied character of the area any impact would be limited.
15. On my site visit I saw the new part six-part seven residential development that is under construction at Whitelock Street and Sheepscar Street South. I noted that the development is some distance from the appeal site and on the opposite side of the dual carriageway. Given the staggered nature of the host building, and the direction the advertisement would face, any views of the proposed advertisement from the new residential development would be at an oblique angle. Therefore, whilst acknowledging that future occupants may see the proposed advertisement any impact on their amenity would be limited.
16. I have also taken into account the appellant's intention to provide illumination with a maximum of 300cd/m², which would accord with the Institute of Lighting Professionals best practice guidance for an urban area, including town and city centres with high levels of night-time activity. This would reduce the brightness to acceptable levels, even when taking into account the proximity of the proposed residential accommodation.
17. Taking these matters together, I conclude that the proposed advertisement would not have a significantly harmful effect on the amenity of the area. Consequently, it would not conflict with Policies GP5 and BD8 of the UDP and Policy P10 of the CS and the Framework, which the Council has cited in its reason for refusal. Together, these policies require, amongst other matters, signs to be well sited and designed and sensitively located within the street scene. I have taken them into account as material considerations. However, 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

18. I have been referred to various appeals regarding digital advertisements in relation to visual amenity. The differing positions illustrate that there is not a conclusive position in terms of the effects on amenity. In any case, my concerns do not relate to the principle of digital advertisements. Instead, it is this particular location, and how this particular advertisement would be seen in this location along the A61 that is of concern in respect of both public safety and amenity.
19. I have also had regard to the benefits of the proposal in terms of reduced CO2 emissions, maintenance and waste, however I find that these benefits would not outweigh the identified harm to public safety as set out above.

Conclusion

20. I have concluded that, subject to appropriately worded conditions, the proposed advertisement would not harm the visual amenity of the area, given the predominantly commercial nature of the surroundings. However, this does not outweigh the significant harm that I have identified with regards to public safety.
21. Accordingly, for the reasons given above, the appeal is dismissed.

J Gunn

INSPECTOR