



Appeal Decision

Site visit made on 28 September 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2023

Appeal Ref: APP/V2004/Z/23/3327244

Land at Ferry Lane, Near Clough Road, Hull HU6 7QN

- 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 Mr Graeme Hughes of Alight Media against the decision of Hull City Council.
 - The application Ref 23/00479/ADV, dated 05 April 2023, was refused by notice dated 30 June 2023.
 - The advertisement proposed is described as "the replacement of a freestanding sign with a new 48 sheet sized LED display unit".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the advertisement on a) public safety; and, b) the amenity of the area.

Reasons

Public Safety

3. The appeal site is a prominent location which lies next to a grass verge adjacent to a busy roundabout on the A1165. The A1165 is well trafficked and is one of the main east/west routes through the city, crossing the River Hull to the east of the site. The outside edge of the roundabout includes a clearly marked and designated cycle lane within the highway. Each of the four arms of the roundabout includes a central refuge. The north and south estate roads have pedestrian crossing points, indicated by dropped kerbs. However, there are no designated pedestrian crossing points on the east and west arms of the A1165 in close proximity to the roundabout. In addition, there are no safety railings along any of the junction arms.
4. The Planning Practice Guidance¹ (the PPG) states that all advertisements are intended to attract attention, and those at points where drivers need to take more care are more likely to affect public safety. These include, amongst others, junctions, roundabouts and pedestrian crossings. These factors apply here. Furthermore, the PPG advises² that the main types of advertisement which may cause danger to road users are those which are illuminated; those

¹ Paragraph: 067 Reference ID: 18b-067-20140306

² Paragraph: 068 Reference ID: 18b-068-20140306

which could be mistaken for, or confused with, traffic lights; and, those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road user's view, or reduce the clarity or effectiveness of a traffic sign or signal can also pose a risk to highway safety.

5. Due to its size and position the sign would be a prominent to motorists, and would be most apparent when approaching the roundabout from the west and south. During my site visit I observed that the flow of traffic across the roundabout to be constant, where vehicles entered and negotiated the roundabout quickly. I observed that drivers often have to react quickly to enter the roundabout and join the flow of traffic, crossing the designated cycle lane. The lack of any controlled crossing for pedestrians means that users on foot have to rely on the central refuges. Due to the lack of any safety railings, the central refuges offer pedestrians limited protection.
6. Any momentary loss of driver concentration through this busy roundabout, given the highway conditions I have identified, poses a risk to other road users, particularly to cyclists and pedestrians who may be in the highway and moving at slower speeds. The size, position and intermittent changing of the advert display has the potential to cause an additional distraction to motorists and create visual confusion.
7. The Council has identified that between 2017 and 2021 there were 17 Personal Injury Collisions in close proximity to the junction. Of which 12 involved cyclists and 3 involved motorcyclists. This has not been disputed by the appellant. The appellant has suggested that the main cluster of incidents occurred on the south side of the roundabout, involving westbound and southbound traffic. However, the information before me³ provides no indication of direction of travel. The cited cluster of incidents appear to be on roundabout on the exit of Bankside i.e. where vehicles would have views towards the appeal site.
8. Nonetheless, there is a clear history of incidents on this roundabout and I remain concerned that the proposed display could cause an additional distraction for motorists approaching the roundabout. This could increase the risk of further incidents. The potential for distraction is a point raised by the Highways Officer, and I am in agreement with their concern in this regard.
9. I note the examples of similar displays which have been cited by the appellant, including two examples consented by the Council. Those signs at Clough Road and Hedon Road are located adjacent to T-junctions, with different relationship between road users, and are contextually different. With regard to the signs consented in other areas, I do not have full details of vehicular flows or a full appreciation and understanding of the road networks. As such I cannot draw any reasoned comparisons with regard to their effect on public safety. I do note that none of these other examples show a designated cycle land within the roundabout and as such are not directly comparable in this regard. In any event, I have considered the appeal proposals on its merits.
10. For the above reasons, I conclude that owing to its size, position and type, the proposed advertisement would create an unacceptable risk to public safety.

³ Appeal Statement - Appendix F

11. I have taken into account the provisions of the development plan in so far as they are relevant to public safety. Policy 20 of the Hull Local Plan 2016-2032 (2017) ("LP"), and the Advertisement Design Guidance Supplementary Planning Document 8 (2019) ("SPD") require that advertisements should have an acceptable effect on public safety with particular regard to the impact of the advertisement on the safe movement of vehicles and pedestrians. Given that I have concluded that the proposal would be harmful to public safety the proposal conflicts with these policies, and also the guidance contained within the Framework.

Amenity

12. The surrounding area is predominantly commercial in character. There are fascia advertisements on most buildings in the area, along with numerous totem, banner and freestanding signs within the forecourts of varying size and appearance, which is indicative of the site's commercial location. In close proximity to the site are the Ferrystone Liftbridges which are large and visually prominent structures in the streetscene.
13. The proposed advert would replace an existing non-illuminated sign which is modest in height and relatively inconspicuous in the streetscene. The proposed sign would be sited in a similar position to the existing sign, albeit its height would be somewhat greater, while it would also include a changing digital display. While the advert would be freestanding, away from existing buildings, from the west and south, it would be viewed against the backdrop of the large building in the background. The sign would not project above the roofline of the building from key views and, as such, would be visually contained by the backdrop of the building. Furthermore, the advert would be viewed in the context with other large buildings and structures, most notably the Ferrystone Liftbridges, and would appear visually subservient to these more dominant features.
14. There are numerous other adverts in the wider area, which are mixed in size, appearance and illumination. In these commercial surroundings, the digital display would not result in a feature that appears contextually out of place. The presence of streetlighting, and its location adjacent to a main road, is such that the effect of the illumination of the digital display would be more subdued at night time. While, the intermittent changing of the digital advertisement would draw additional attention to the display, given its context, it is not considered that this factor would be unduly injurious to visual amenity.
15. I note that the Council has made reference to a digital advertisement which was dismissed at appeal. However, I do not have full details of this proposal to draw any comparisons. In any event, I have considered the effect of the advertisement on the amenity of the area on its own merits.
16. For the above reasons, I conclude that the scale, position, and type of the proposed advertisement would not be harmful to visual amenity.
17. I have taken into account the provisions of the development plan in so far as they are relevant to visual amenity. Policy 20 of the LP and the SPD require that advertisements should have an acceptable effect on amenity with particular regard to, inter alia, the character of the area and advertisement clutter.

18. As I find that the advertisement would not be harmful to amenity, it would accord with Policy 20 of the LP, the SPD, and also the guidance contained within the National Planning Policy Framework (2023) (the "Framework").

Conclusion

19. While I find that the display of the advertisement would not be harmful in the interests of amenity, I conclude that the advertisement would be detrimental in the interests of public safety. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal should be dismissed.

D Cleary

INSPECTOR