
Appeal Decision

Site visit made on 16 December 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2021

Appeal Ref: APP/Z4718/Z/20/3260754

Adjacent to Castlegate, Huddersfield

- 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 Alex Simpson (Bee Outdoor) against the decision of Kirklees Council.
 - The application Ref 2020/64/91748/W, dated 11 June 2020, was refused by notice dated 10 September 2020.
 - The advertisement proposed is described as an advertising screen on a single post.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. No road name was cited in the site address section of the advertisement consent application form. This Decision Letter adopts the address used by the Council.
3. The proposed Digital Advertising Screen ('DAS') would be either just inside or just outside the Huddersfield Town Centre Conservation Area ('the Conservation Area'). The Council's map showing the Conservation Area boundary is not conclusive on the matter. Consequently, as a precaution, the site is being treated as being within the Conservation Area.
4. Accordingly, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
5. Having examined the site and its context from several different vantage points during the visit it is concluded that the proposed DAS would not conflict with the desirability of preserving the character and appearance of the Conservation Area.

Main Issue

6. The main issue is the effect of the proposed advertisement on the safety of pedestrians and vehicle drivers within the locality.

Reasons

7. The proposed DAS would be located on a grass strip between a gently curving slip road which forms part of a major traffic intersection on the Huddersfield ring road and a 2-storey Tesco superstore car park on the north side of the town. The intersection links Lower Fitzwilliam Street, the A641 Northgate and the A62 Southgate / A62 Castlegate in a five-way junction. On a clock face the slip road would run convex from 6 o'clock to 9 o'clock, linking the northbound carriageway of the A62 Southgate to the westbound A62 Castlegate.
8. The electric backlit LED DAS would be around 6 metres in width and 3 metres in height, supported by a 2-metres high central upright. The images would be static and would change instantaneously every 10 seconds without any transition. The DAS would face across the intersection in a broadly north-eastern direction.
9. The intersection covers a very substantial area of land. It is mainly at grade although an underpass accommodates the Unna Way for southbound traffic on the A62. There is some static advertising within the vicinity of the junction, but it is very limited.
10. A network of signalised pedestrian at-grade crossings provides a generally safe means to navigate from one side of the intersection stage-by-stage to the other side. Records show that there have been 6 Personal Injury Collisions (PICs) in the last 5 or so years, including 1 serious injury in June 2018.
11. The proposed DAS would be positioned on the inside of the bend immediately before the pedestrian crossing on the slip road. At this point traffic is likely to be moving at around 25-30mph in both the morning and evening peak hours as it approaches the pedestrian crossing and then, almost immediately after, a 'Give Way' sign with priority for vehicles crossing from Lower Fitzwilliam Street to Castlegate (see Figures 2 & 3 of the Appellant's Highway Safety Report, November 2019) (HSR). Consequently, vehicles would be driven quite cautiously through this short section of road as evidenced by only one PIC over the past 5 or so years.
12. The approaching drivers would initially see only the blank side elevation of the DAS on the grass verge to the left of the slip road. Because of its proximity to the highway and because of its orientation the driver would first see the advertising image at the point where his / her vehicle was almost immediately in front of the DAS.
13. The surprise element created by the near-adjacent advertising image would mean that there would be a real possibility that the driver's attention would be momentarily distracted from looking ahead. This would be particularly so for those unfamiliar with the local road network.
14. It is also at this point that the driver would be almost on top of the pedestrian crossing. Even though vehicles would be moving quite slowly through this section the presence of a DAS would unacceptably increase the risk of an accident.
15. Similarly, the proposed DAS would become visible just as those motorists heading north on the A62 Southgate approached a pedestrian crossing before advancing to the A641 or heading east on Lower Fitzwilliam Street. Notwithstanding that it would be slightly further away the DAS would still

- constitute an unacceptable risk of distraction for drivers at the critical moment before slowing down for pedestrians.
16. Brief details, including some photographs, of other operational DASs close to major roads in Huddersfield, Leeds, Salford, Birmingham, London and Liverpool were submitted as evidence. Each case is fact specific which affects its relevance to the current appeal proposal.
 17. The pictures showing the DASs close to the Shorehead roundabout at the A62 in Huddersfield, close to the A61 Hunslet Road in Leeds and close to the A57 in Salford do appear to show signalised pedestrian crossings in varying degrees of proximity (see Figures 8, 9 and 12 of the HSR). This makes them potentially relevant to this appeal. In 2 of the cases (Huddersfield and Leeds) the DAS is of comparable size.
 18. The DAS close to the A62 is attached to the side elevation of a shopping centre set back some distance from the carriageway facing vehicles as they make their way around the Shorehead roundabout. It does not impede sightlines nor interfere with any street furniture. However, there were no accident record details provided giving the before and after position.
 19. The DAS in Leeds sits back from and to the left of the A61 Hunslet Road and faces approaching drivers, coming increasingly into view as they get closer. It has not resulted in any change in the pattern of crash patterns nor increased the number of collisions.
 20. Finally, the DAS in Salford is suspended from a gantry crossing immediately above both carriageways and extends the width of about four lanes. It is positioned immediately before a pedestrian crossing. Again, however, no details concerning before and after accident rates have been provided.
 21. None of the above DASs as regards its position to the adjacent highway is directly comparable to the appeal proposal. Whilst the Shorehead roundabout DAS would only come into view a moment before approaching a pedestrian crossing it would be sufficiently far away from the highway to have only peripheral importance. In the case of the A61 Hunslet Road DAS and the A57 DAS the driver would have a greater degree of advanced warning of the advertising image so as not to be taken by surprise and distracted before the pedestrian crossing.
 22. Research has demonstrated that the introduction of DASs at 5 sites in London has not resulted in an increase in PICs and, indeed, the level has fallen by around 20% during this period. Whether the fall has been attributable in part or in whole to the introduction of DASs or to other factors is not known. Nevertheless, for the reasons already given, each site is likely to have fact specific considerations making it unwise to extrapolate the findings from one to another.
 23. The proposed DAS would also be visible to drivers crossing the interchange between Lower Fitzwilliam Street and the A62 Castlegate in either direction but particularly westbound. However, the DAS would be some distance away and so it would not result in an unacceptably high level of distraction.
 24. It would be visible to drivers crossing the interchange from the A641 Northgate to the A62 Southgate but, again, it would be sufficiently far away to have little more than a peripheral presence. Similarly, due to its distance it would not be

a distraction for drivers moving from Lower Fitzwilliam Street to the A62 Southgate.

25. The DAS would come gradually into view for drivers moving from the A641 Northgate to the A62 Castlegate. Again, it would be sufficiently far away so as not to result in driver distraction or risk to other highway users.
26. For the reasons set out above the proposed advertisement would be detrimental to the interests of pedestrian and driver safety. Accordingly, it would fail to accord with Policy LP21(a) of the Kirklees Local Plan Strategy and Policies 2019 which seeks to ensure that new advertisements provide for the safe and efficient movement of traffic on the highway network.
27. Furthermore, it would also fail to accord with the advice handed down in the National Planning Policy Guidance (the NPPG) and in Paragraph 132 of the National Planning Policy Framework that proposed advertisements should not prejudice highway safety. These are important material considerations to have regard to.

Other Matters

28. The advertisement proposal would help promote economic development and would, to that extent, be consistent with the principle of sustainable development set out at Paragraph 7 of the Framework. However, for the reasons set out above it would fail to accord with the social objective of fostering a well-designed and safe built environment which is also embodied within the principle of sustainable development set out in the same paragraph.

Conclusion

29. The proposed advertisement would fail to provide for the safe flow of vehicular traffic and the safety of pedestrians.
30. For the above reason the appeal against the refusal of express consent should be dismissed.

William Walton

INSPECTOR