



Appeal Decision

Site visit made on 4 July 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/N4720/Z/23/3319013

138A Cross Gates Road, Cross Gates, Leeds LS15 7NG

- 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 ARM Capital against the decision of Leeds City Council.
 - The application Ref 22/07849/ADV, dated 22 November 2022, was refused by notice dated 25 January 2023.
 - The advertisement proposed is installation of a single digital billboard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In accordance with the Regulations¹, and the Planning Practice Guidance (the PPG), I have considered solely matters of amenity and public safety.

Main Issues

3. The main issues are the effect of the proposed advertisement on public safety and the amenity of the area.

Reasons

Public safety

4. The appeal site relates to an area of grass verge located on the south side of Cross Gates Road adjacent to a large central roundabout which links Cross Gates Road to Cross Gates Lane and Ring Road. Cross Gates Road is a main distributor route and includes a pedestrian crossing just to the west of the roundabout. There is an access road immediately to the west of the appeal site which provides access to a hand car wash business and other premises. During my site visit I observed a steady flow of traffic and pedestrians using the roads surrounding the site and the pedestrian crossing.
5. The appeal proposal would be a freestanding internally illuminated digital sign which would display static images that would be capable of changing every ten seconds. It would be mounted on poles and positioned at a slight angle facing north east towards the roundabout. The maximum brightness of the advertisement would not exceed 600cd/sqm and would vary throughout the day according to the conditions.
6. The PPG states that all advertisements are intended to attract attention but those located at points where drivers need to take more care are more likely to

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

- affect public safety. Such locations include junctions, roundabouts and pedestrian crossings. It further advises that the main types of advertisement which may cause danger to road users are those which are illuminated, which could be mistaken for, or confused with, traffic lights and those which are subject to frequent changes of display.
7. The adjacent roundabout and the connecting roads have several traffic control features in the form of traffic lights, speed limit changes, pedestrian crossings and directional signage that drivers, cyclists and pedestrians must already concentrate on. The proposed sign would be a potential distraction to drivers and others, particularly for those negotiating the roundabout and changing lanes, thus risking highway and pedestrian safety.
 8. Whilst the maximum brightness of the advertisement would be within the guidelines from the Institute of Lighting Professionals and would reduce as natural light fades, the regular change over approximately every 10 seconds would nevertheless have the potential to distract the attention of drivers. This would potentially cause confusion for drivers at a point close to the traffic light signals and the pedestrian crossings, where greater concentration on the road is necessary.
 9. I have considered the appellant's suggested condition to control the frequency of changes between adverts. I also note the conditions suggested by the Council's Highway Team. However, due to the proposal's location, size and method of illumination, such conditions would not sufficiently mitigate the harm that I have identified to public safety.
 10. For the above reasons, I conclude that the proposed advertisement would be detrimental to public safety. In accordance with the Regulations, I have taken into account the provisions of the development plan insofar as they are material. The General Policy of the Leeds Core Strategy 2019 (the CS), saved Policy GP5 of the Leeds Unitary Development Plan 2006 (the UDP), and the Leeds Advertisement Design Guide Supplementary Planning Document 2006 (the SPD), seek, amongst other things, to maximise highway safety and improve environmental conditions. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and guidance.

Amenity

11. The appeal site is in an area of mixed character with some residential properties and a variety of commercial premises, including a car sales business and hand car wash to the south and west respectively, a bingo hall and a public house to the north, together with parades of shops on both sides of Cross Gates Road slightly further to the west and north west and a retail centre along Austhorpe Road to the south east. There are various other signs within close proximity of the site, including fascia signs and road signs, together with items of street furniture, such as street lighting and traffic lights.
12. Due to its substantial scale and height above ground level and position adjacent to the highway, the proposal would be a highly prominent feature when viewed from the roundabout and Cross Gates Road, in particular, and from the footways on both sides of that road. In this location the proposal would be overbearing in relation to the highway and would appear as an incongruous feature to passing drivers and pedestrians.

13. Although there are a variety of business signs in the surrounding area, these are generally smaller than the appeal proposal. They tend not to include illumination and those that are illuminated relate to the premises on which they are sited. I did not observe any other comparable illuminated advertisements of this size in the surrounding area. The proposal would therefore stand out from other advertisements in the area and would be a discordant feature in the street scene.
14. Street lights along Crossgates Road and the roundabout suggest that the area is well-lit at night. However, the proposed display would be of a different nature to existing illumination in the surrounding area. The proposed LED display would appear very sharp and bright with images changing at regular intervals which would make the proposal an eye-catching feature and unduly prominent in the street scene. This would be particularly apparent during the hours of darkness.
15. I conclude that the proposed advertisement would have an unacceptable effect on the visual amenity of the area due to its siting, size, internal illumination and display of changing images. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. The proposal would conflict with CS Policy P10, UDP saved Policies GP5 and BD8 which seek to secure good design and general amenity standards, and the guidance contained within the SPD which seeks similar aims. It would also be contrary to paragraph 136 of the National Planning Policy Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

16. The appellant has referred to examples of other advertisements that they have installed in a variety of locations. However, on the basis of the evidence before me these have their own site-specific circumstances which are different to those of the appeal site. As such, while they may be of the same or similar size and near busy roads, they are not directly comparable to the proposal before me. In any case, I have considered the appeal on its own merits.
17. I have no compelling evidence before me to demonstrate that the proposal would declutter the surrounding area by reducing the number of advertisement sites. Therefore, this factor does not provide sufficient justification for the proposal which I find would be harmful to both amenity and public safety.
18. I note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

19. For the above reasons, and having taken all other relevant matters into consideration, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR