



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: 24 July 2023

Appeal Ref: APP/N4720/Z/23/3317361

87 Roseville Road, Roseville Road Service Station, Leeds LS8 5DT

- 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 Wildstone Group Limited against the decision of Leeds City Council.
 - The application Ref 22/07721/ADV, dated 1 November 2022, was refused by notice dated 20 January 2023.
 - The advertisement proposed is described on the application form as “upgrade of existing 48 sheet advert to support digital poster”.
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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 the forecourt of Roseville Road Service Station, which is located on the eastern side of Roseville Road, a busy main road leading into and out of Leeds City Centre. The site is adjacent to the Service Station access point, and there are a number of other nearby access roads, including a formalised give-way on the western side of Roseville Road opposite the appeal site. There are footways and segregated cycle lanes on both sides of the road.
5. The area surrounding the appeal site is commercial in character and includes a variety of commercial premises fronting onto Roseville Road and surrounding streets. There are many other signs of various sizes and designs within the surrounding area, including fascia signs and totem signs.
6. The appeal proposal is for the replacement of the existing display with a freestanding internally illuminated digital sign which would display static images that would be capable of changing every ten seconds. It would be

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

positioned at a slight angle facing west towards Roseville Road and the access road directly opposite the site. The maximum brightness of the advertisement would not exceed 300cd/sqm and would vary throughout the day according to the conditions.

7. 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 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.
8. Due to the sharpness of its illumination and changing imagery, the proposal would be a potential distraction to drivers travelling in a north-easterly direction on Roseville Road where they would need to be focussing on the road conditions. This would be exacerbated by the proximity of the appeal proposal to numerous junctions where vehicles enter and exit onto Roseville Road. Whilst I acknowledge that Roseville Road has a straight alignment, the vividness of the display and changing imagery, albeit at controlled intervals, would increase the visual prominence of the display and draw the eyes of drivers and cyclists distracting their attention at a point of the road where they need to anticipate other vehicles exiting, slowing down or stopping to enter the accesses. Therefore, in this location the display would have the potential to distract a driver or cyclist and reduce the time to assess potential risks.
9. I have carefully considered the appellant's Highway Safety Report, but none of the matters raised alters my conclusion that the proposal would be harmful to public safety. Reference is made to five accidents for the period 2018-2023 which involved vehicles moving in direction of travel towards the proposed sign, all of which occurred in a location where the sign is only partially visible. Given this, the evidence before me suggests that the highway network in the vicinity of the site is not free of incident and it does not provide justification for an advertisement which would be likely to cause distraction for drivers and cyclists and may increase the number of incidents.
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. Policy T2 of the Leeds Core Strategy 2019 (the CS) and saved Policy GP5 of the Leeds Unitary Development Plan 2006 (the UDP) seek, amongst other things, to maximise highway safety. Given that I have concluded that the proposal would harm public safety, the proposal conflicts with these policies and with paragraph 111 of the National Planning Policy Framework (the Framework) where this states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Amenity

11. The existing advertisement is an established feature of the street scene and the proposed display would be in the same position and dimensions as the advertisement it would replace. However, due to the use of external illumination by trough lighting the existing display has an understated

appearance which does not significantly detract from the character and appearance of the area.

12. The maximum brightness of the advertisement would be within the guidelines from the Institute of Lighting Professionals and would be controlled by light sensors to vary the brightness according to the conditions. I also note that the level of illumination would match the same levels as illuminated paper and paste displays. However, such a large LED display would appear more eye-catching than the existing display due to the sharpness of the illumination and changing images and would be unduly prominent in the street scene. This would particularly apparent during the hours of darkness.
13. Although there are a variety of business signs in the surrounding area, including illuminated signage, these are generally smaller than the proposal and relate to the use of the premises on which they are sited. There are streetlights along both sides of the road which suggests that the area is relatively well lit at night, but there were no other comparable digital signs visible in the area.
14. There is no dispute between the main parties that the site is an established location for advertising, but it does not follow that a different type of advertisement with internal illumination and changing imagery would therefore be acceptable. I find that the appeal proposal would be a much more striking feature than the existing advertisement and would exacerbate the visual clutter along this stretch of Roseville Road. It would be significantly more harmful to the amenity of the area as a result.
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. Therefore, in accordance with the Regulations, I have taken into account the provisions of the development so far as they are material. The proposal would conflict with Policy P10 of the CS and saved Policies GP5 and BD8 of the UDP insofar as they seek to secure good design and general amenity standards. It would also be contrary to paragraph 136 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Other Matters

16. I have considered the appellant's suggested conditions, including controls on the maximum luminance of the sign and frequency of changes between adverts. However, these would not sufficiently mitigate the harm to public safety and visual amenity.
17. The appellant has referred to examples of other similar advertisements and appeal decisions in Leeds and elsewhere. However, on the basis of the details that have been provided I cannot be certain that they offer a direct comparison to the appeal proposal or its site-specific context. In any case, I have considered the appeal on its own merits.
18. The appellant makes reference to the Transport for London 'Guidance for Digital Roadside Advertising and Proposed Best Practice' document. The site is not in London and the guidance is of limited relevance to this appeal.
19. I have had regard to the appellant's statement of case which outlines the benefits of the proposal, including a reduction in CO2 emissions and waste, the

use of sustainable energy, the opportunities to advertise charitable campaigns, public art and emergency messages, reduced advertising clutter and an increase in business rates. However, I must limit my consideration of the appeal to matters of amenity and public safety. In any case, these factors would not outweigh the significant harm that I have identified to public safety and amenity.

Conclusion

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

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INSPECTOR