



Originator: Jessica Thomas

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**30<sup>th</sup> January 2025**

**Subject: 24/06041/ADV – Retention of one non-illuminated, freestanding entrance sign at Roots Allotments, Selby Road, Garforth, LS25 2AG**

**APPLICANT**  
Mr W Gay

**DATE VALID**  
22<sup>nd</sup> October 2024

**TARGET DATE**  
TBA

**Electoral Wards Affected:**

**Garforth and Swillington**

Yes      Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity     

Community Cohesion     

Narrowing the Gap     

**RECOMMENDATION: GRANT PERMISSION subject to the following conditions below (with amendments or addition to the same as deemed appropriate):**

Conditions

1. Approved Plans
2. Within one month of the date of decision a plan showing junction improvement, movement of the sign and the required visibility shall be submitted to and approved in writing by the LPA. Within three months of the date of approval the upgrade works shall be implemented, and thereafter retained in perpetuity.
3. In accordance with the provisions of Schedule 2 to the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (or any Regulation revoking and re-enacting those Regulations with or without modification) the following standard conditions are applied to all advertisement consents:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

#### **INTRODUCTION:**

1. This application relates to a free standing, non-illuminated sign at the entrance to a recently created allotment site. The sign has already been erected on site. Use of the land for allotment purposes has also commenced, and as set out in the report accompanying the linked application for a tool store and site office, the land use does not require planning permission (24/04193/FU).
2. The two applications have been referred to Plans Panel by Councillor Mark Dobson who raises concerns relating to the size of the sign, and its impact upon visual amenity, highway safety and the Green Belt. The matters raised by Councillor Dobson constitute material planning considerations that give rise to concerns affecting more than neighbouring properties and as such the request meets the criteria outlined in the Officer Scheme of Delegation (1(d)). As such it is appropriate to report the application to Panel for determination.
3. An application for a very similar proposal was refused in September 2024 for the following reason:

The Local Planning Authority consider that the submitted plans do not accurately show the height or design of the advertisement for which planning permission is sought, or accurately show how its siting impacts upon sight lines at the junction with Selby Road. As such insufficient information has been provided to allow the Local Planning Authority to definitively assess the impact of the development public safety. The applicant has therefore failed to submit sufficient information to demonstrate that the proposal can be accommodated on the site without causing harm to relevant material planning considerations. The proposal is therefore considered contrary to the aims and intentions of Policy P10 of the Leeds Core Strategy (as amended, 2019), Policies GP5 of the Unitary Development Plan Review (2006) and also fails to satisfy Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Further information on sightlines has now been provided, and the sign relocated further within the site, and this is sufficient to conclude that the sign will not obstruct visibility at the junction. As will be set out below, as this application relates to an advert, the only matters that can be considered in respect of the signage application are amenity and public safety. With the council having previously concluded that the sign was of an appropriate size and scale, and the new information demonstrating no harm to the junction, the application is recommended for approval.

#### **PROPOSAL:**

5. As set out above, permission is sought for erection of a non-illuminated sign to the site frontage. This is set at a slight angle to the junction entrance, facing toward the eastbound approach, and measures 2.4m in width and 1.2m in height, and is set 1.5m from the ground (being 2.7m high in total). The sign is supported on two timber posts, and displays the text "Roots: Providence Pastures". The sign is dark green in colour, with the text and border a deep pink.

#### **SITE AND SURROUNDINGS:**

6. The application relates to a parcel of agricultural land (grade 3a), assumed to be formerly associated with Providence Farm, which lies just to the east. The 3.3ha parcel is formed from two fields, which stretch back in a linear arrangement from Selby Road (A63) to the north. The bulk of the land has been enclosed by 2.0m post and wire fencing, with the southern most portion forming a parking / turning area, which is reinforced with a geotextile grid. Access from Selby Road is via an existing entrance point, and the site frontage is formed by established self-seeded vegetation which has been lowered in height and depth, to improve visibility. Selby Road has a mixed visual character, progressing through built up residential areas and open countryside. Within the vicinity of the application site the road passes through an edge-of-settlement area; some highway signage and infrastructure is present along the road.
7. Within the site some of the land has been divided into individual allotment parcels, with other areas forming compost heaps and soil stacks. The remainder of the land is undeveloped, and it is understood this will be turned over to allotments in the spring.
8. The site lies to the immediate south of Garforth, and within the Green Belt. Residential housing lies to the opposite side of the road, with the bulk of this lying beyond Cotswold Drive, the nearest portion of which runs parallel to Selby Road. Ninelands Lane, leading into Garforth lies approximately 300m east, and Leeds Road, leading to Kippax, lies approximately 170m west.
9. There is a level change within the site, with the land falling a little from Selby Road, rising again toward a high point to the south, before falling again toward Kippax. Within the wider area there is a character of gently undulating agricultural land. Providence Farm lies to the east, and the fields to the west appear to be in equestrian use. The site entrance serves a private trackway which borders the west of the site and leads to existing equestrian buildings.

## RELEVANT PLANNING HISTORY:

10. 24/04193/FU Retention of two shipping containers for use as a site office and tool shed  
**Pending**
- 24/04194/ADV Retention of one non-illuminated entrance sign  
**Refused** – failure to provide sufficient information to assess the application  
2024
- 33/76/95/FU Laying out of access to storage buildings  
**Refused** – concerns relating to Green Belt and highway safety  
1995

## HISTORY OF NEGOTIATIONS:

11. No negotiation with the agent has been undertaken.
12. Officers have been in contact with Councillor Dobson, and have set out that the sign does not cause harm to highway safety. Councillor Dobson has requested that the application be brought to Panel.

## PUBLIC/LOCAL RESPONSE:

13. No public notification has been undertaken. This is not required under any provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
14. Nonetheless, eighteen letters of objection have been received from fifteen properties.
15. The majority of the objection letters are from other parts of the United Kingdom, with eleven letters having been received from ten properties in Bristol and St Andrews. Three have been received from two properties within the wider Leeds area (Shadwell and Kippax). Four have been received from three properties within Garforth, with only one property proximate to the application site.
16. The letters raise concern relating to highway safety, visual amenity, biodiversity, Green Belt, residential amenity, sufficiency of information, the previous refusal, and the retrospective nature of the application,

## CONSULTATIONS RESPONSES:

17. Non-Statutory Consultations  
Highways: No objection

## **PLANNING POLICIES:**

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (amended 2019), the Site Allocations Plan (2024), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) (NRWLP), The Aire Valley Area Action Plan and any made Neighbourhood Plan.

### Local Planning Policy

19. The Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. For the purposes of decision-making in relation to this application, the following Core Strategy (amended 2019) policies are relevant:

P10            Seeks to ensure that new development is well designed, respects its context and protects amenity.

20. The Site Allocations Plan was revised in 2024. The site is unallocated within the SAP but identified as Green Belt.

21. The following saved UDPR policies are also relevant:

GP5            Seeks to ensure that development proposals resolve detailed planning considerations, including amenity

BD8            Seeks to ensure new signs respect context

### Neighbourhood Planning

22. Garforth Neighbourhood Plan was made in September 2023 and is a material planning consideration. Policy GSRE12 requires development to have regard to landscape character.

### Supplementary Planning Guidance

23. Transport SPD (2023)  
Advertising Design Guide (2006)

### National Planning Policy

24. The National Planning Policy Framework (2024) (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. The Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
25. The provisions of the Framework do not change the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the Framework is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the

greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the Framework.

26. The following sections of the Framework are most relevant for the purposes of determining this application:
- 2. achieving sustainable development;
  - 4. decision-making;
  - 8. promoting sustainable transport;
  - 12. achieving well-designed places
27. The Planning Practice Guidance (PPG) provides commentary on the application of policies within the Framework. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

## **OTHER RELEVANT MATTERS:**

### Climate Change

28. The Council declared a climate change emergency on 27th of March 2019 in response to the UN's report on Climate Change. The Planning Act 2008 alongside the Climate Change Act 2008 sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
29. As part of the Council's Best City Ambition, the Council seeks to deliver a low-carbon and affordable transport network, as well as protecting nature and enhancing habitats for wildlife. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.

### Public Sector Equality Duty

30. The Equality Act 2010 requires local authorities to comply with the Public Sector Equality Duty. Taking into account all known factors and considerations, the requirement to consider, and have due regard to, the needs of diverse groups to eliminate discrimination, advance equality of opportunity and access, and foster good relations between different groups in the community has been fully taken into account in the consideration of the advertisement consent application to date and at the time of making the recommendation in this report.
31. In this instance it is considered that the proposals do not raise any specific implications in these respects and therefore it is not considered that a full Equality, Diversity, Cohesion and Integration Impact Assessment (EDCI) is required.

## **MAIN ISSUES:**

- 1) Regulation 3 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007
- 2) Landscape Character, Visual and Residential Amenity
- 3) Highway Safety
- 4) Representations
- 5) Planning Balance

## **APPRAISAL:**

### Regulation 3 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007

32. As set out within the introduction to this report, the matters that can be considered when assessing an advertisement application are limited. These are clearly set out at section 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and state that the local planning authority shall exercise its power in the interests of amenity and public safety, taking into account the provisions of the development plan (so far as they are material) and all other relevant factors. Further, the regulations provide examples of factors relevant to amenity being, the general characteristics of the locality including historic, architectural, cultural, or similar interest. The Council usually considers residential amenity to also be a relevant factor. Public safety is stated to include the safety of persons using a highway, railway, waterway, dock, harbour or aerodrome. As such the main matters that should be considered by Members when considering the sign are amenity (visual and residential) and public safety (highway safety).
33. Members' attention is also drawn to the fact that in planning law there is a principle of consistency in decision taking. Where a decision taker is seeking to depart from a materially similar proposal, they must provide good reasons for any such departure. This reasoning should set out the material differences between the cases, such that a reasonable observer can readily understand why a different decision has been (St Albans City & District Council v Secretary of State [2015] EWHC 655 (Admin)). The previous decision of the Council is a relevant material consideration. This decision raised no concerns relating to visual and residential amenity; the Council was unable to reach a conclusion on the highway safety merits of the proposal.

### Landscape Character, Visual and Residential Amenity

34. Section 12 of the Framework and policies P10 and P12 of the Core Strategy seek to promote good design and protect amenity, whilst policy BD8 of the UDPR requires advertisements to be contextually appropriate.
35. As set out above the area surrounding the application site can be characterised as an edge-of-settlement location. Housing is present to one side of the road, Green Belt land to the other. There is limited signage within the area, with roadside features being largely highway related infrastructure (directional and speed signs, and traffic lights / street lights).
36. As was set out within the previous officer report, the sign that has been erected has a muted appearance, is mostly green in colour, constructed from timber, has simple

lettering, and as the sole highway sign serving the site is not considered to cause visual clutter. Objection letters raise concern about the use of pink within a countryside location. However, the Council cannot presume to be an arbiter of taste and the key question is whether the use of a muted pink colour results in a sign which is harmfully visually obtrusive, or which strongly detracts from its semi-rural location. As is clear from the site photos, whilst the sign is large, it has a calm, simple appearance, and does not unduly impose itself on its surroundings. As such the sign is not considered harmful to the character and appearance of the area. As the sign is non-illuminated there is no potential harm to residential amenity.

37. As such it is considered that the development accords with those policies of the DP that seek to protect amenity and landscape character. This is a neutral matter in the overall balance.

### Highway Safety

38. Core Strategy Policy T2 requires that developments protect highway safety, and this includes the provision of safe access / egress. The impact of the sign upon visibility at the site access is a key concern of objectors, and also of Councillor Mark Dobson. Council highway officers have also previously expressed concern about this matter, with the applicant having failed to provide sufficient technical information (visibility splay information) to demonstrate that the sign did not impede the view of drivers exiting the site.
39. The application now includes a plan that shows the visibility splay, and a relocated sign that is sufficiently set back from the boundary with Selby Road, that it does not impact upon the visibility of drivers exiting the site. Objectors have drawn attention to the previously refused application for the same development, noting that the sign has not been altered or moved, and that the Council has previously refused permission.
40. Whilst noting these concerns the previous application was not refused because it did cause harm to highway safety, it was refused because the applicant had not provided sufficient information to demonstrate there was not harm. The difference between the two positions is in fact significant. In the absence of adequate information to demonstrate the sign did meet the requirements of public safety, the Council applied the precautionary principle and withheld advertisement consent. To overcome this previous decision of the Council, the applicant need only provide sufficiently clear information that demonstrates it is possible to protect highway safety. As noted, the sign is to be moved further within the site, and this is sufficient to protect the visibility splay. A condition requiring this improvement to be delivered within a short, but reasonable timetable, is suggested above.
41. As set out above, the additional visibility splay information demonstrates that the sign does not impede driver visibility. As such the development accords with those policies of the Development Plan that seek to protect highway safety. This is a neutral matter in the overall balance.

### Representations

42. All material considerations raised through objections have been discussed above. It is noted that some of the stated concerns have not been discussed, and this is because they fall outside matters of amenity and public safety. Concerns are



raised in relation to the impact upon the Green Belt, however as set out in the report for the tool store and shed, the character of the Green Belt within this area includes range of buildings and structures, and within this context, the addition of a single, non-illuminated sign, is not considered to cause harm. The sign is of such a small scale that mandatory biodiversity is not engaged, and as set out in the linked report, there is uplift provided on site. Some objection letters make reference to the retrospective nature of the application and suggest this means advertisement consent should be refused. It is well established that there is no punitive aspect associated with retrospective applications, and such applications are assessed fairly and reasonably, against the adopted Development Plan and all other material planning considerations.

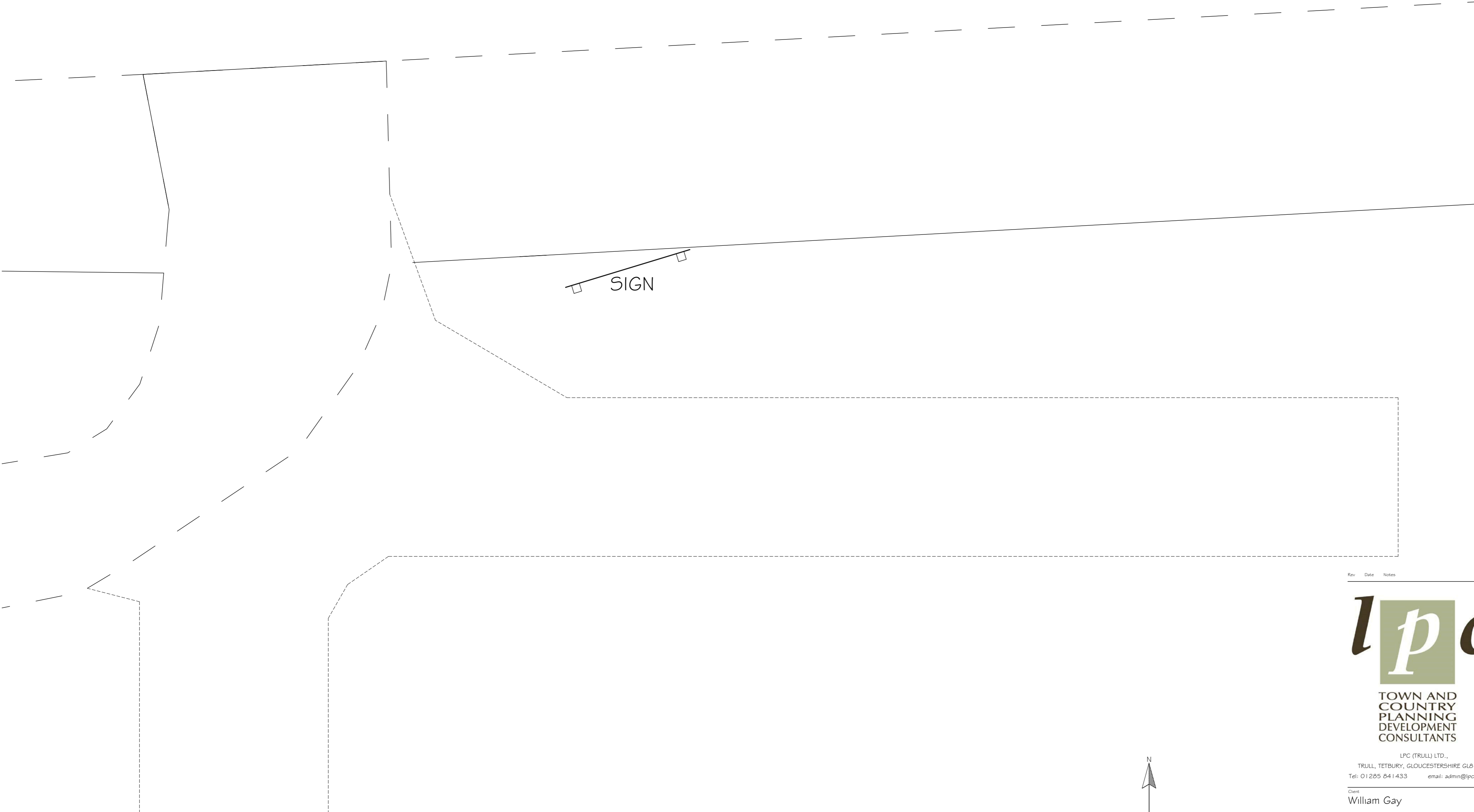
#### **Planning Balance and Conclusion:**

43. The application sign does not cause harm to amenity or public safety, or other relevant considerations. These are neutral matters that weigh neither for nor against the proposal. However, with no matters that weigh against the application, and with the Framework supporting positive decision making in accordance with paragraph 11, the application is recommended for approval.

#### **Background Papers:**

Application files                    24/06041/ADV  
Certificate of ownership:    Certificate B signed by the agent

# SELBY ROAD



Rev	Date	Notes
-----	------	-------

**lpc**  
TOWN AND  
COUNTRY  
PLANNING  
DEVELOPMENT  
CONSULTANTS

LPC (TRULL) LTD.,  
TRULL, TETBURY, GLOUCESTERSHIRE GL8 8SQ  
Tel: 01285 841433 email: admin@lpc-trull.com

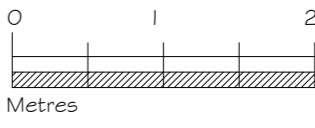
Client  
William Gay

Project  
Roots Allotments, Providence  
Pastures, Selby Road,  
Garforth, Leeds LS252AG

Drawing  
PROPOSED SITE ENTRANCE

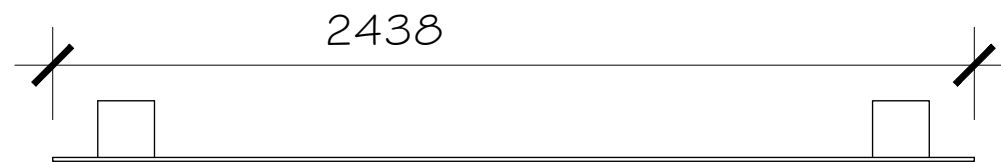
Date: November 2024 Scale: 1:50 @ A1

Drawing Number  
LPC 5898 PR 1 05

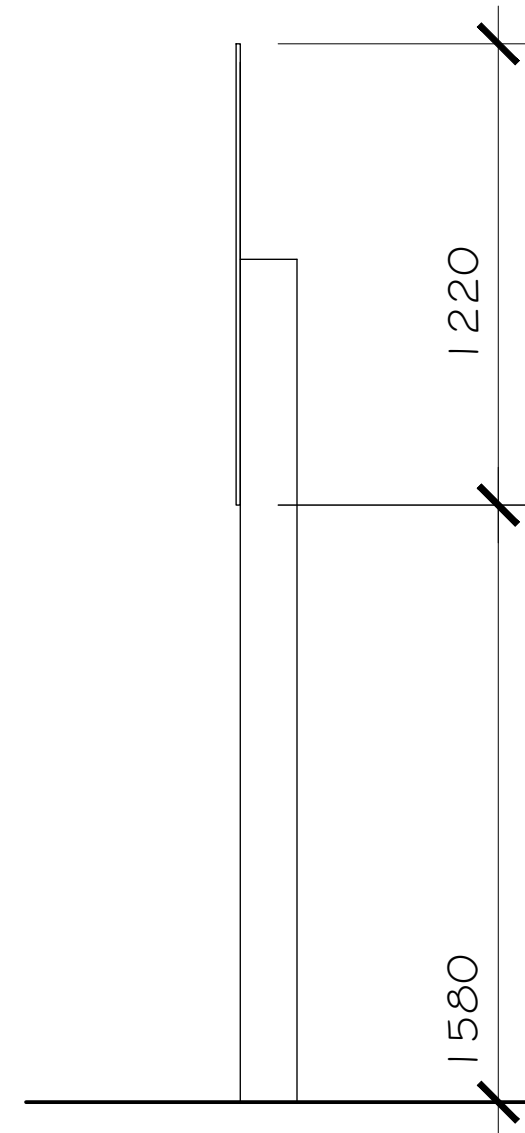




FRONT ELEVATION

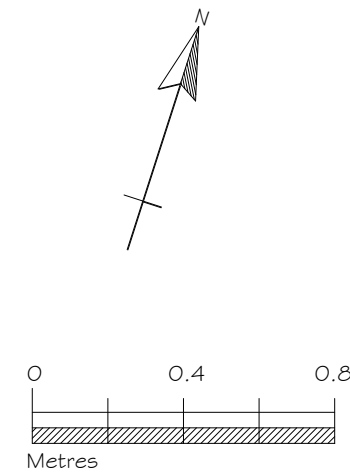


PLAN



SIDE ELEVATION

SIGN 1:20



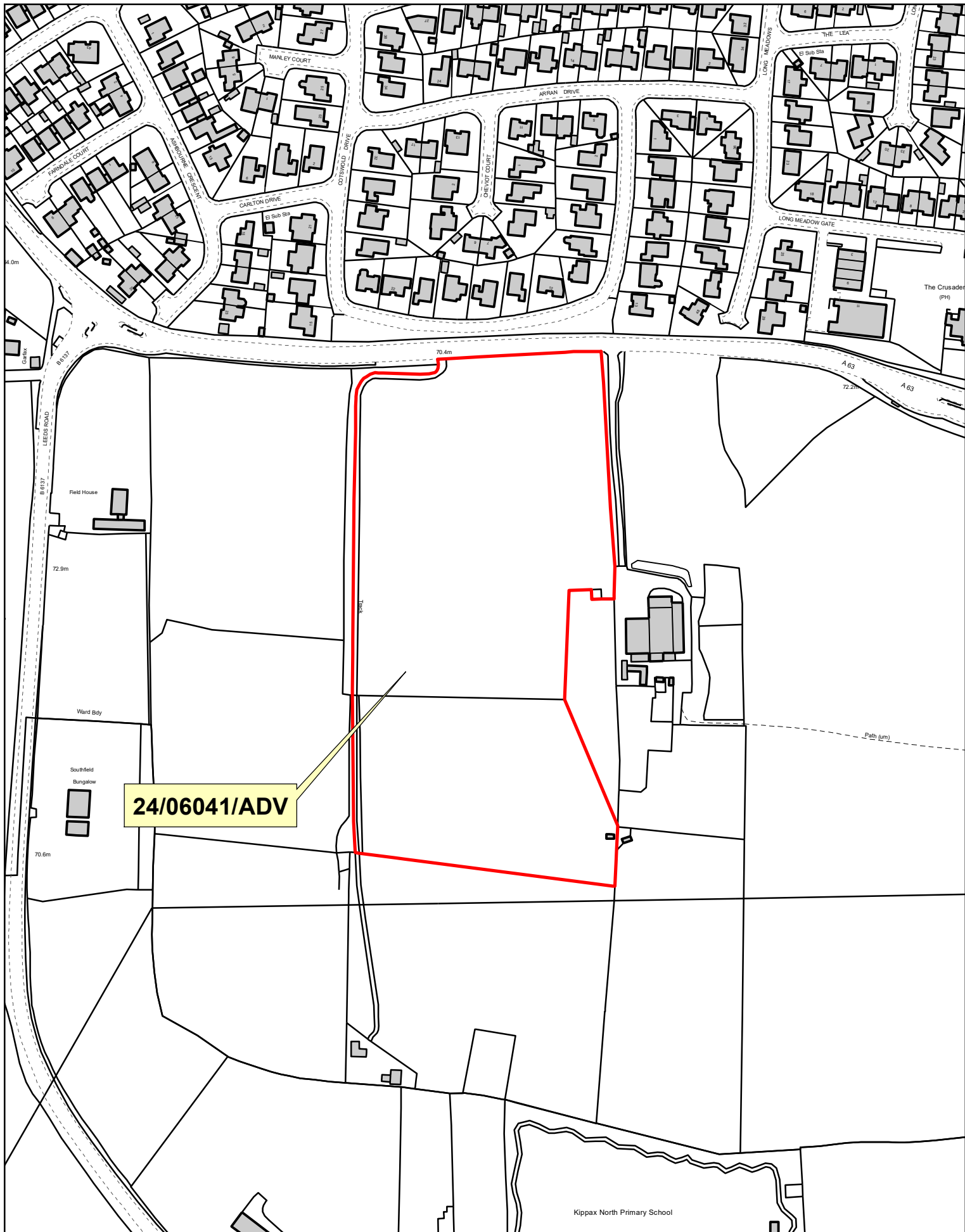
Rev	Date	Notes
C	29.11.24	Sign posts amended
B	2.10.24	Sign amended
A	30.7.24	Dimensions added



LPC (TRULL) LTD.,  
TRULL, TETBURY, GLOUCESTERSHIRE GL5 8SQ  
Tel: 01285 841433 email: admin@lpcrull.com

Client  
William Gay  
Project  
Roots Allotments, Providence Pastures, Selby Road, Garforth, Leeds LS252AG  
Drawing  
PLANS & ELEVATIONS - SITE OFFICE, TOOL STORE & SIGN

Date: July 2024 Scale: 1:100 @ A3  
Drawing Number  
LPC 5898 PR 103 C



**24/06041/ADV**

# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2024 Ordnance Survey AC0000815564  
 PRODUCED BY CITY DEVELOPMENT, LOCATION INTELLIGENCE TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500





© Crown copyright and database rights 2024 Ordnance Survey AC0000815564 - © Bluesky International Ltd and Getmapping Plc [2024]

## PLANS PANEL PRESENTATION

SCALE 1:2500