



Appeal Decision

Site visit made on 20 June 2017

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2017

Appeal Ref: APP/W4705/Z/17/3173799

The Leisure Exchange, Vicar Lane, Bradford BD1 5LD

- 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 Paul Hardy against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 17/00208/ADV, dated 13 January 2017, was refused by notice dated 24 March 2017.
 - The advertisement proposed is a freestanding 48 sheet LED advertising unit.
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Decision

1. The appeal is allowed and express consent is granted for a freestanding 48 sheet LED advertising unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the above Regulations and the non-standard conditions set out in the attached schedule to this decision.

Main Issue

2. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons

3. The appeal site is located in a predominantly commercial area. The proposed advertisement would be adjacent to The Leisure Exchange and it would be set against a backdrop of a multi-storey car park which has limited architectural detailing. The site is bounded to the east by the Shipley Airedale Road and to the west by the leisure complex building. This building is similar to the car park in that it is of a bland and functional appearance with grey cladding over brick walls. The immediate area around the proposed site is an undulating landscaped area with shrubs and grassed areas. As a result, the site is slightly raised above street level and is therefore highly visible from the Shipley Airedale Road.
4. From the photographs provided by the appellant, I am led to understand that there has previously been an approval for large advertisements at the appeal site which were of a height of around 6 metres. With no substantive evidence to the contrary, I find that the principle of large advertisements at the appeal location has been established and that the effect on visual amenity has been considered to be acceptable. Furthermore, the site benefits from Deemed Consent status under Class 14 of the Regulations.
5. The Council argues that the difference in levels of illumination between the adverts with deemed consent and the proposed LED unit are such that the visual impact of the appeal proposal would be unacceptable, particularly given its prominent

location. Whilst I acknowledge that the proposed LED unit would draw the eye and create a contrasting effect between the unit and the muted backdrop of the buildings behind, as the unit would be set back some distance from the highway, I find that its impact would be lessened. Furthermore, in my view, the visual brightness and prominence of the proposed unit would be softened and diminished by the landscaping and shrubs which would surround it.

6. Given the muted details of the buildings behind, the vividness and brightness of the LED unit would undoubtedly contrast with its surroundings. However, having due regard to the above, its city centre location and the commercial nature of the area, I find that the proposal would not be out of keeping with the character or appearance of its surroundings. As a result, it would have no significant detrimental effect on the visual amenity of the locality.
7. I note concerns regarding the height of the proposal. However, previous advertisements at the site were of a greater height and scale than the proposed unit. Furthermore, having viewed the appeal site from a number of points, I find that the impact of its height would not be excessive and would, in any event, be diminished due to its set back position away from the public highway.
8. The appellant points to a number of other cases which relate to similar proposals in the district and states that the Council has not applied local planning policies and criteria for such schemes consistently. I have had regard to these other cases, noting similarities to the appeal proposal but also differences. However, I must assess the scheme before me on its own merits and within its own circumstances and I confirm that I have done so.
9. Notwithstanding this, I note that of the cases referred to, one approved by the same planning officer dealing with this proposal dealt with a direct replacement for a similar scale of sign and has been identified as one of the first LED units to be considered within the Council's area. The Council argues that whilst direct comparison of the levels of illumination between the old and new signs was considered in that case, LED signs result in a brighter visual effect as each pixel is illuminated. As such, the Council states that this would lead to a greater visual impact on the surrounding area, particularly in dull light. Furthermore, the Council has become more diligent in dealing with such applications and has become more selective in the sites deemed suitable for such advertisements.
10. Having considered the above, I acknowledge the Council's approach to such proposals, including the appeal scheme. However, in this case the proposed advertisement does not strike me as being excessive and would not appear out of place in relation to the nearby buildings or its surroundings. Accordingly, I am satisfied that there would be no significant harm to the visual amenity of the area.
11. Consequently, I conclude that the proposal would have no significant adverse impact on the visual amenity of the surrounding area. It would therefore comply with Policies D10 and D15 of the Bradford Replacement Unitary Development Plan and the relevant guidance within the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that signs and advertisements respect the interests of public safety and amenity.

Conditions

12. Although I have not set them out in the attached schedule, the five standard conditions set out in the Regulations apply to this scheme. In addition, whilst the highway authority has raised no objection to the proposal with regard to public and highway safety, I note that this is subject to non-standard conditions being imposed relating to maximum illumination levels and the timing of changes to

displayed imagery. The appellant has suggested conditions to address these matters. Having had regard to these, I find that such conditions are necessary and reasonable in order to ensure public and highway safety and would enable an acceptable development in planning terms. Furthermore, I am satisfied that the conditions meet the six tests as set out in Paragraph 204 of the Framework. I have therefore imposed them, as set out in the schedule attached to this decision.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

INSPECTOR

SCHEDULE OF NON-STANDARD CONDITIONS

NB: These conditions are in addition to the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and are numbered 6 -10 accordingly.

- 6) The maximum level of illumination of the display hereby permitted should be no more than 300cd/m² during hours of darkness and no more than 300cd/m² during the day.
- 7) The luminance level of the display hereby permitted should be controlled to track the light level changes in the environment throughout the day to ensure that the perceived brightness if the display is maintained at no more than 300cd/m² above ambient level.
- 8) The display hereby permitted should contain at all times a feature that will turn off the screen (i.e show a black screen) in the event that the display experiences a malfunction or error.
- 9) No individual advertisement on the display hereby permitted will contain moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
- 10) There shall be a smooth, uninterrupted transition from one image to another. Transitions shall be of not less than one second between static images, and no individual advertisement shall be displayed for a duration of less than 10 seconds.

END OF SCHEDULE