



Appeal Decision

Site visit made on 15 October 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2019

Appeal Ref: APP/W4705/Z/19/3233589

Forster Square Retail Park, Valley Road, Bradford BD1 4RN

- 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 Insite Poster Properties Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/01823/ADV, dated 4 April 2019, was refused by notice dated 18 June 2019.
 - The advertisement proposed is erection of a digital advertising display to display illuminated static images on a 10 second sequential rotation. No special effects including animation, flashing or fading. Illumination: Display to monitor and adjust to ambient light levels – Day: Maximum 600 candela/sqm. Night: Maximum 300 candela/sqm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has referred to the policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. Therefore, in my determination of this appeal, the Council's policies have not, by themselves, been decisive.

Main Issues

3. The main issues are the effect of the proposed development on;
 - the amenity, character and appearance of the surrounding area; and
 - public safety.

Reasons

Amenity

4. The proposed advertisement would be positioned within a landscaped grass verge between a parking area and the busy public highway known as Hamm Strasse. It would also be close to a busy, traffic-signalled intersection between Hamm Strasse and Valley Road and would be viewed principally by those approaching the site from the west and predominantly in vehicles travelling along Hamm Strasse in an easterly direction. From my observations of the surrounding area, I consider the locality to be characterised as mostly retail and commercial in nature.

Furthermore, I note that signage in the area is generally in the form of fascia signs which advertise the occupying businesses of the Retail Park. An example of this is located on the south west corner of the junction between Hamm Strasse and Valley Road, opposite the proposed site.

5. Whilst other forms of signage exist in the local area, such as the totem pole signs at the entrances to parking areas serving the Retail Park and an internally illuminated pole mounted sign in the landscaped strip on the south side of Hamm Strasse, from what I have seen there are none which are of the design, size and operation of the proposed digital advertisement.
6. As such, I find that although the locality has a commercial and retail character, the amenity of the area would be diminished by the introduction of the proposed digital display into a street scene where there is currently no such display. At a size of 6 metres x 3 metres, the proposed display would be a large, prominent and dominant feature in the local area and street scene. It would also appear visually separated from the retail development due to its landscaped setting. Given its size and position within the landscaped verge and against a backdrop of trees, I find that the display would appear out of context as the Retail Park and commercial character of the locality would be substantively screened from the public highway.
7. Moreover, the illuminated display proposed would also be viewed against the backdrop of the nearby former mill located to the east of Valley Road. As such, it would present a stark visual contrast to those viewing it which would result in harm to the amenity of the wider area for those passing through it.
8. I appreciate that the level of illumination is proposed to be adaptive and adjustable for day and night hours and for differing light levels in response to site-specific sensitivities, as the appellant puts it. However, in my view, whilst such features would assist in reducing the visual impact of the proposal on its surroundings, they would not overcome the harm that the scale and size of the proposed display would cause to the wider amenity of the locality and street scene.
9. I acknowledge that other signs may have been approved in other locations within the local planning authority's area, including Hamm Strasse. Accordingly, I have taken these into account as material considerations in assessing this proposal. Notwithstanding this, I have given limited weight to these as each proposal, including that which is the subject of this appeal, must be assessed and determined on its own individual merits and circumstances.
10. Consequently, for the reasons stated, and having considered all relevant matters, I conclude that the proposed display would have a significant adverse impact on the amenity of the local area.

Public safety

11. Due to its position adjacent to a busy intersection, the proposed display has the potential to distract drivers passing the site along Hamm Strasse. With regard to the proposed illumination of the display, it is noted that the Institute for Lighting Professionals advises that the maximum illumination for displays over 10sqm should be 300 candela/sqm in built up urban environments. The proposal would present an illumination level of up to 600 candela/sqm. The appellant argues that suitably worded conditions could be employed to control illumination levels and I note the appellant's willingness to agree to a reduction in illumination levels, the speed of images changing and the length of time each image appears. All of these would assist in reducing the impact of the display in terms of potentially distracting passing drivers and increasing the potential risks to highway safety.

12. Furthermore, from the Council's evidence, I note that the Council agrees that the introduction of such conditions would make the proposal acceptable in this regard. Therefore, in terms of public safety, based on the evidence and in the absence of anything else to the contrary, I find that subject to suitably worded conditions relating to the above, the proposed display would result in no significant harm to public safety.

Conclusion

13. Having carefully considered the above matters, and in accordance with the Regulations relating to the control of advertisements, I conclude that whilst conditions could be attached to make the proposal acceptable in terms of public safety, in my judgement, this would not overcome the visual harm and significant detrimental impact that the proposal would have on the amenity, character and appearance of the street scene and the surrounding area.
14. As I have noted, the Council has referred to its local planning policies DS1 and DS3 of the Bradford Core Strategy Development Plan Document in its Decision Notice. Whilst not decisive in this case, I have also considered the proposal against these policies as material considerations. In doing so, I find that due to its prominent location, scale, design and illumination, the proposal would appear obtrusive and incongruous in its surroundings and out of keeping with the visual amenity, character and appearance of the locality. Therefore, I conclude that the proposal would also be contrary to the local planning policies identified.
15. Accordingly, for the reasons given and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR