



Appeal Decision

Site visit made on 3 February 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/W4705/Z/19/3241007
403 Tong Street, Bradford BD4 6LY

- 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 Clear Channel against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/03228/ADV, dated 25 July 2019, was refused by notice dated 23 September 2019.
 - The development 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 allowed and express consent is granted for the display of advertisement 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 Regulations and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 600 candela/m² during daylight hours and 300 candela/m² during the hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds, the sequencing of messages relating to the same product is prohibited and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. The interval between successive displays shall be 1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement and the display will include a mechanism to freeze the image in the event of a malfunction.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed advertisement on the visual amenity of the area.

Reasons for the Recommendation

4. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.
5. The appeal site is situated at the corner of Tong Street and Broadstone Way, adjacent to a small carpark and light-controlled pedestrian crossing. The replacement advertisement would be located on the gable of No.403 Tong Street. There are a mix of uses within the area and it has been drawn to my attention that the site is situated within the Tong Street District Centre. Broadstone Way is characterised by traditional residential terraces, whereas Tong Street is characterised by ground floor commercial uses with residential properties above. The ground floor of No.403 is occupied by a café. On the opposite side of Tong Street, to the east, is a small retail park which contains larger buildings.
6. The development seeks to replace the existing advertisement with a digital display. Both main parties agree that the dimension, position and orientation of the advertisement would not alter. Thus, the main issue to consider is the effect of the illumination.
7. The Council asserts that the existing advertisements within the street scene do not contribute to the visual amenity of the area, and the majority do not benefit from formal consent, so should not set a precedent. For similar reasons, they consider that the existing advertisement should only be given limited weight. From the evidence before me, it is not clear which advertisements do not have consent and it appears that none of them have been subject to enforcement action. I note that the existing advertisement has been in situ in excess of ten years and has not been subject to enforcement action.
8. Notwithstanding the Council's comments, I consider that advertisements are an established feature within the street scene. On my site visit I observed a number of hoardings along Tong Street and on gables adjacent to Tong Street. Several of these advertisements were externally illuminated, including a similar sized hoarding on the opposite side of Broadstone Way and three larger advertisements to the west. Hence, although these hoardings are externally illuminated, there is clear evidence of illuminated advertisements within the street scene. Accordingly, the proposal would not introduce a novel or alien feature into the area.
9. The scheme would have a negligible effect on the visual amenity of the area during daytime hours. Undoubtedly the scheme would have a greater impact during hours of darkness as the current advertisement is not illuminated. Owing to the site's context, I am not convinced that the scheme would have an unduly adverse effect on the visual amenity of the area to a degree that would warrant express consent being refused. Tong Street is a busy, commercial urban road with street lighting, traffic lights and numerous externally illuminated advertisements. Irrespective of whether the existing advert has consent, the proposal would not look out of place in the context of the

¹ Paragraph: 079 Reference ID: 18b-079-20140306

surrounding area. In order to ensure that the scheme would not have an adverse impact during hours of darkness, the intensity of illumination could be controlled by a condition to ensure that it is appropriate for the urban location.

10. For the reasons given above, I find that the proposed scheme would not harm the visual amenity of the area. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not cause visual harm to the street scene, the scheme would meet with the aims of Policies DS1 and DS3 of the Core Strategy Development Plan Document (2017) and paragraph 132 of the National Planning Policy Framework.

Conditions

11. In addition to the five standard conditions set out in the Regulations, the Council has suggested two further conditions relating to luminance and how the images are to be displayed. The appellant has also suggested similar conditions. These have been assessed in light of guidance found in the PPG and where necessary have been amended for clarity and precision.
12. In the interest of public safety and amenity, I have imposed conditions controlling the illumination, sequencing and length of displays, as well as requiring the display to freeze in the event of any malfunction. The level of luminance would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals as I consider that the site is located within a medium district brightness area.

Conclusion and Recommendation

13. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be allowed subject to the conditions attached.

Chris Preston

INSPECTOR