
Appeal Decision

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2020

Appeal Ref: APP/W4705/Z/20/3248742

The Peel Centre, Valley Road, Bradford BD1 4RB

- 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 Richard Page, Insite Poster Properties against the decision of City of Bradford Metropolitan District Council.
 - The application Ref: 19/05124/ADV, dated 4 December 2019, was refused by notice dated 30 January 2020.
 - The advertisement proposed was originally described as the erection of a digital advertising display - Display of illuminated static images on a 10 second sequential rotation. - No special effects including animation, flashing, or fading. - Illumination: Display will monitor and adapt to ambient light conditions. Day max 600 candela/sqm. Night max 300 candela/sqm.
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Decision

1. The appeal is allowed and express consent is granted for the installation of a digital advertising display 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 condition:
 - 1) The illumination of the advertisement hereby granted consent shall be by means of fixed and constant lighting and not by lights which are, or appear to be intermittent, moving or flashing.

Procedural Matters

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council have agreed to the appeal proceeding on this basis.
3. The description of development set out in the banner heading above is taken from the application form. The Council's decision notice describes the proposal more simply as the installation of a digital advertising display. A similar description is also used on the appeal form. This simpler description is reflected in my decision paragraph.

Main Issue

4. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The proposed sign would be located on a small area of land within a retail park that is found close to the site frontage with Canal Road. The area is largely commercial in nature and contains a number of advertisement displays, including totem signs advertising retail premises and car dealerships, as well as directional and other signage. Canal Road is a busy multi-lane thoroughfare which contains street lighting. It does not, in my view, comprise a muted backdrop.
6. The proposed sign would face traffic that would be travelling northwards out of the city centre. It would be seen against the outline of a larger building and behind an existing totem sign, which is found a relatively short distance to the front. The height that the proposed sign would be elevated above ground level would be limited in these surroundings. When the size of the commercial buildings in the area are considered, it would not appear unduly large.
7. The proposed sign would be illuminated by way of an LED display and allow for images to be displayed on rotation. Whilst this would result in a different form of advertisement in the area, it would not be out of place with the commercial environs and when the existing lighting apparatus along Canal Road is also considered. The appellant has also outlined a number of inherent features of such signs in relation to lighting and operational controls, that would further limit its visual impact.
8. When these matters are taken together, the proposed sign would not be highly prominent within this context. It would be in a location that could ably accommodate its likely impacts and so it would not be in stark contrast, or appear as a strident feature.
9. I conclude that the proposed advertisement would not have an unacceptable effect on the amenity of the area. As such, it would comply with paragraph 132 of the National Planning Policy Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.
10. I have taken into account Policies DS1 and DS3 of the Council's Core Strategy Development Plan Document (2017) as far as they seek to protect amenity and so are material in this case. Given I have concluded that the proposal would not harm amenity, it does not conflict with these policies.

Conditions

11. Apart from the five standard conditions, the Council suggested a condition on the appeal questionnaire that places controls over the type of illumination. The appellant has suggested a condition that would have similar effect.
12. Such a condition would be reasonable and necessary with the type of advertisement proposed and for reasons of public safety. I have imposed the Council's suggested condition because it would be precise and enforceable in terms of how the illumination would be controlled, as is relevant to the proposed sign.

Conclusion

13. For the reasons set out above and having regard to all matters raised, the appeal is allowed.

Darren Hendley

INSPECTOR