



Appeal Decision

Site visit made on 20 July 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: 20 August 2020

Appeal Ref: APP/W4705/Z/20/3250708

Rutland Street, Opposite Unit 3, Bradford BD4 7NP

Grid Reference Easting 417366, Grid Reference Northing 432179

- 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 Matt Swindles (Global) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/00150/ADV, dated 10 January 2020, was refused by notice dated 9 March 2020.
 - The development proposed is upgrade of 1no. 48-sheet advertisement hoarding to digital LED display.
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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 5000 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 0.1 seconds 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 surrounding 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 relates to a Victorian mill situated on the corner of Rutland Street and Wakefield Road. Rutland street is characterised by large industrial buildings abutting the highway. I observed on my site visit that Wakefield Road is a busy transport route with street lighting regularly spaced. The highway has six lanes and a wide footpath to either side.
6. The Council have stated that it appears the existing sign does not have consent. It is not clear how long it has been in situ and there is nothing to indicate that the Council is or has considered taking any action to secure its removal. However, given the uncertainty over its history and origin I have not given significant weight to the presence of the existing sign.
7. The Council are concerned that the scheme would cover a window which would impact the symmetry of the building. The mill reflects the historic and industrial nature of the area. However, the character and appearance of the mill has already been impacted by the existing advertisement on the gable, shutters, security mesh on the windows and bricked up windows. It is not in a condition which has a positive impact upon the street scene. The hoarding would cover over one bricked up window and partially cover another but the overall form of the building would still be apparent and covering those features would not be unduly harmful given the condition of the building.
8. The scheme would be visible along Wakefield Road, particularly when travelling towards the city centre due to the slope of the highway and position of the mill building. The Council are concerned that the LED lighting would form a stark contrast against the stone mill and modest level of illumination afforded to other signage in the locality. On my site visit I noted several other advertisements within the vicinity of the appeal site. Adjacent to the advertisement subject to this appeal, is a further advertisement on the side elevation of the same building facing onto Wakefield Road. This advertisement was externally illuminated. On the opposite side of Wakefield Road there were further billboards and large advertisements associated with the industrial buildings, however they were not illuminated.
9. To ensure that the scheme is not an unduly dominant feature in the street scene, the intensity of the illumination, display time and interval between advertisements could be controlled by a condition to ensure that the proposal is appropriate for the urban location.
10. Irrespective of whether the existing advertisement benefits from consent, the scheme would not introduce a novel or alien feature. In this location the illumination of the advertisement would not result in an intrusive or discordant feature nor have a significant impact upon the mill. This is due to the nearby

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

illuminated advertisement, street lighting, the commercial character of the area on a busy highway and the existing appearance of the mill.

11. For the reasons given above, I find that the proposed advertisement 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

12. The Council ticked on the appeal questionnaire that they considered that additional conditions other than the five standard conditions set out in Schedule 2 of the 2007 Regulations should be imposed in the event that the appeal is allowed and express consent as applied for is granted. However, they did not complete the following section and did not detail any suggested conditions. The Council were given the opportunity to submit the additional conditions, but no response was received.
13. In the interests 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: The Brightness of Illuminated Advertisements' by the Institution of Lighting Professionals as I consider that the site is located within a medium district brightness area.
14. I note that notwithstanding the details in the application drawings, the appellant has stated that they are willing accept a condition to alter the depth of the screen from 0.6 metres to 0.2m to reduce its visual impact. I do not consider such a condition to be necessary because I have found the proposal to be acceptable on its merits.

Conclusion and Recommendation

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

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

16. 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