



Appeal Decision

Site visit made on 23 February 2021 by Darren Ellis MPlan

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/W4705/Z/20/3263582

7 Poplar Terrace, Bingley, BD16 1DR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Air Outdoor Media Limited against the decision of the City of Bradford Metropolitan District Council.
 - The application Ref 20/04312/ADV, dated 11 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is described as an upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and advertisement consent is granted for the upgrade of the existing 48 sheet advert to support a digital poster at 7 Poplar Terrace, Bingley, BD16 1DR. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The luminance levels shall be restricted to 300 candelas per square metre during hours of darkness.
 - 2) The screen display shall not contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous, with no visual effects including swiping or other animated transition methods between successive displays.

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 Issues

3. The main issue is the effect of the advertisement on visual amenity.

Reasons for the Recommendation

3. The proposed hoarding would be situated on the south-east facing gable of Poplar Terrace, a two-storey residential building sited on Bradford Road, which
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- is a busy thoroughfare passing through the town. The surrounding area has a mixed commercial and residential character; Poplar Terrace and the adjacent sheltered accommodation being in residential use and the parade of shops, restaurants and take-aways on the opposite side of the street having a commercial flavour with shopfronts and fascia signs, some of which are illuminated. The busy character of the main road and the fascia signs and advertisements associated with the parade of shops contribute to the vibrant appearance of the area and the existing hoarding does not look out of place in that context, notwithstanding that it is attached to a residential property.
4. A large non-illuminated 48 sheet poster display exists on the gable end of the appeal site and the proposal would replace this existing hoarding with an internally illuminated digital display of the same size. The proposed advertisement would show static images that would change at intervals of not less than 10 seconds.
 5. It is accepted by both parties that the existing advertisement benefits from deemed consent under Class 13 of the Regulations. While the Council has raised concerns over the appearance and positioning of the hoarding, no evidence of discontinuance action against the advertisement has been submitted. The proposed hoarding would be the same size and of a very similar depth to the existing hoarding, and as such there would be no notable change in those respects.
 6. The Council's primary concern is that the visibility and prominence of the advertisement would be increased by the nature of the proposed LED display. However, whilst I acknowledge that digital images would change at regular intervals and would be more visible when it is dark as a result of the LED illumination, the level of illumination could be regulated by condition. The Council suggest that luminance levels should be restricted to 300 candelas per square metre at night. At such levels I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the busy and well-lit nature of the road and the presence of commercial premises, some of which contain externally illuminated shopfront advertisements. Similarly, the speed with which the advertisements change and the prevention of video or moving images could also be controlled by condition. Consequently, whilst the digital advertisement would appear more conspicuous than the existing, it would not appear intrusive or out of place having regard to the established character of the area.
 7. For the reasons given above, I consider that the advertisement would not cause harm to the amenity of the area.

Conditions

8. Both parties suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. I have considered them having regard to the tests set out in Paragraph 55 of the National Planning Policy Framework, and have amended them where necessary for clarity and precision. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. Such conditions are necessary to make the proposal acceptable.

9. For the reasons given above, I recommend that the appeal should be allowed and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions set out in paragraph 1.

Chris Preston

INSPECTOR