



Appeal Decision

Site Visit made on 16 September 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2021

Appeal Ref: APP/W4705/Z/21/3280405

Shipley Airedale Road, Bradford, BD1 5HZ

- 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 Wildstone Estates Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/02040/ADV, dated 7 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is a digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the display of a digital poster. The advertisement will be digital and at no time shall the Luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2015 (or any subsequent amendment/replacement to this guidance) 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.

Preliminary Matters

2. I have amended the description of development from that detailed on the application form to be clear and concise. This amended description of development is similar to that used by the Council and the appellant.
3. The Council has drawn my attention to the development plan policies it considers to be relevant to this appeal. However, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive; however, I have taken them into account as a material consideration where relevant.
4. While not referred to in the Decision Notice, the Officer's Report refers to a Grade II listed building, Treadwell Mills, and also the boundary of the Little Germany Conservation area as being located opposite the appeal site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

5. While the statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 only applies to the consideration of whether to grant planning permission it is my planning judgement that the presence of the listed building is, in this instance, a relevant material consideration when considering the effect of the appeal scheme on amenity.

Main Issue

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

Reasons

7. Paragraph 136 of the Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. The Regulations state that 'amenity' includes aural and visual amenity and that factors relevant to amenity include the general characteristics of the locality. The Planning Practice Guidance (PPG) advises that in assessing amenity, the local characteristics of the neighbourhood would always be considered.
8. The proposed digital poster would replace two existing 48 sheet adverts located adjacent the sloping Shipley Airedale Road, a busy thoroughfare while the site backs on to a clearly commercial and industrial area in a position that is somewhat elevated as a result of the topography of the area and the proposed positioning of the digital poster above the adjacent stone.
9. The proposed signage principally differs from the existing in that the proposed would be digital and would be reorientated from being parallel to the road to being set at an angle, presumably to be better viewed from vehicles on the road. The proposed signage would also be located at a slightly higher level above the existing stone wall.
10. In support of the appeal the appellant refers to the use of static images only and the instant changing of the images that will occur no more frequently than every ten seconds. With regards levels of illumination, the appellant confirms that the maximum level of brightness will not exceed 300cd/sqm at night and be controlled by light sensors to vary the brightness during the day.
11. The appellant notes, and I saw at the site visit, that the road is well served by street lighting and the reorientated digital poster would be viewed against the backdrop of nearby commercial buildings and general urban environment.
12. With regards the nearby Conservation Area and Listed buildings, the consultation response from the Council's Design and Conservation Officer acknowledges the busy urban context of the appeal site and the existing signage, finding that the proposed scheme would not impact on the setting of the heritage assets and on the basis of the evidence before me and my observations on site I have no substantive reason to find otherwise.
13. For the reasons above I find that the proposal would not have an appreciable and harmful effect on the visual amenity of the area.
14. Although not determinative in this case, for the reasons detailed above I the proposal would not conflict with policy Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document which collectively require new

development to make a positive contribution and respect the environment and amenity of its locality and, the guidance set out in the Framework and PPG.

Conclusion

15. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

Mr M Brooker

INSPECTOR