



Appeal Decision

Site visit made on 7 February 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/W4705/Z/22/3290170

Land to the east of Cemetery Road, Bradford BD8 9RZ

- 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 21/05076/ADV, dated 17 September 2021, was refused by notice dated 29 November 2021.
 - The advertisement proposed is described 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 the 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 advertisement shall not display any moving or flashing images or sequencing of images over more than one advert.
 - 2) The minimum display time for each advertisement shall be 10 seconds. Changes between adverts to take place instantly with no sequencing, fading, swiping or merging of images.
 - 3) 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).

Main Issue

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

Reasons

3. The appeal relates to a site at the northern boundary of a car park serving a fabric wholesaler on the east side of Cemetery Road. The surrounding area is predominantly industrial and commercial in character and use, although I saw on my site visit that there are dwellings a short way to the north of the appeal site on Cemetery Road itself and on Rosetta Drive.

4. The appeal site has been the location for a 48-sheet externally-illuminated advertisement hoarding, which I understand from the evidence before me to have been in place at least since August 2008. At the time of my site visit there was no advertisement in place, and as both the Council's officer report (November 2021) and the appellant's statement (January 2022) refer to the hoarding in the present tense, the reasons for its absence are not clear to me. Nevertheless, it is apparent that the appeal site has been used for the display of an advertisement until very recently, and I have given this considerable weight in my assessment of the proposal's impact on the amenity of the area.
5. The proposal is to install a digital poster using an LED display, to replace the hoarding previously on site. There would be no change in the size of the advertisement, which as previously would be perpendicular to Cemetery Road and south-facing, so that it would not be seen from the north. The appellant has also stated that the siting of the advertisement would not be changed, but although the submitted drawings suggest that the display would in fact be somewhat closer to Cemetery Road this has not had any significant bearing on my assessment of the effects of the proposal.
6. I saw that Cemetery Road is a busy thoroughfare, and there are already various advertisements for the commercial premises in the area. While these are primarily fascia signs with varying degrees of internal and external illumination, advertisements – including the 48-sheet poster which until recently was sited on the appeal site – form a part of the local character. Although digital displays are not a feature of the nearby surroundings, they are not uncommon in busy commercial locations.
7. While I note the Council's concerns about the use of an LED screen being a bright and incongruous feature in the area, the appellant has confirmed the proposed illumination would be in line with advice set out by the Institute of Lighting Professionals and that the screen would adjust according to the ambient brightness. In the context of the area, I consider that the use of a digital display with no special effects, animation or movement would not increase the prominence of the advert to an extent which would have a materially harmful impact on the appearance of the area. The digital display would be oriented away from, and would not be seen from, the nearest dwellings on Cemetery Road, so there would be no harmful impact on the amenity of the occupiers of those properties.
8. The Council considered that the proposed display would not have any harmful effect on highway safety, or public safety in general. Nothing I saw on my site visit leads me to take a different view on this matter, nor would my assessment be altered by the siting of the advertisement closer to Cemetery Road than had previously been the case.
9. The appellant has drawn my attention to other decisions – both of the Council and in appeals – elsewhere in Bradford where proposals for new or upgraded digital advertisements have been allowed. However, I do not know the full details of those cases, nor was I able to view those other sites. I have reached my conclusion in this appeal based solely on the individual merits of this particular proposal.
10. I conclude that the advertisement would not have a harmful effect on amenity. In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material, although they have not by

themselves been decisive. The proposal complies with Policies DS1 and DS3 of the 2017 Core Strategy Development Plan Document, which among other things seek to ensure that development is well-designed and appropriate to its context. I also find that the proposal complies with the requirements of Paragraph 136 of the National Planning Policy Framework, which seeks to prevent poorly-sited or designed advertisements which would have a negative impact on the visual character and quality of places.

Conditions

11. As well as the five standard conditions set out in the regulations, I have imposed additional conditions based on those suggested by the appellant, as I consider that conditions in respect of illumination and the control of use of the display are necessary in the interests of amenity and public safety.

Conclusion

12. For the reasons given above I conclude that, subject to conditions, the display of the advertisement would not be harmful to amenity. The appeal is therefore allowed.

M Cryan

Inspector