
Appeal Decision

Site visit made on 27 June 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/W4705/Z/22/3297511
162 Bradford Road, Shipley BD18 3DE

- 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 Air Outdoor Media Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/00156/ADV, dated 16 December 2021, was refused by notice dated 4 March 2022.
 - The advertisement proposed is the conversion of four illuminated advertising displays to a single 'D-Poster' digital advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the conversion of four illuminated advertising displays to a single 'D-Poster' digital advertising display. 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:
 - The intensity of luminance of the advertisement shall be no greater than 300 candela per square metre during the hours of darkness;
 - No individual advertisements displayed on the panels shall contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs;
 - The interval between successive displays shall be instantaneous (1 second or less) with no flashing and a smooth instant change onto the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays; and
 - The sequential advertisement on any display panel shall not change more than once every ten seconds.

Main Issue

2. The main issue is the effect of the advertisement on public safety.

Reasons

3. The digital advertising display would be placed on an existing stone wall which bounds a bowling green to the west. The wall currently hosts one 96 sheet advertisement and three further 48 sheet advertisements closely to the north.

4. The digital advertising display proposed would be placed partly in the existing location of the 96 sheet advertisement, thus requiring its removal. The appellant advises that the remaining three 48 sheet advertisements would also be removed from the site. All the existing advertisements are trough illuminated.
5. The site sits at the junction of Bradford Road and Otley Road which at the time of my site visit on a weekday morning was busy. Whilst this only represents a snap-shot in time, I have no reason to believe that this location does not form a generally busy junction.

Public safety

6. I am required to consider the safety of persons using the adjacent highway and consider whether display of the advertisement is likely to hinder the ready interpretation of any traffic sign.
7. Planning Practice Guidance¹ identifies types of advertisement that may cause danger to road users. Amongst others, it identifies those which, because of their size or siting would reduce the clarity or effectiveness of a traffic sign or signal. It also identifies illuminated signs which because of their size or brightness could amongst other things distract road users.
8. The advertisement would be most prominent to drivers approaching the site when travelling south-west towards the site on Otley Road. However, when approaching the site from this direction, the advertisement would sit to the north of lights controlling the traffic from this direction.
9. The traffic lights are, and would remain, to be viewed within the context of the gable end of the dwelling known as Crows Nest and the Shipley Club which sit on the western side of Bradford Road beyond the junction. The advertisement would not be viewed in line of sight against the traffic lights and subsequently would not reduce their clarity or effectiveness. Further, traffic approaching the junction in this direction is slowed naturally given the gradient of the road which slopes upwards towards the lights.
10. There is nothing to indicate that the advertisement would form a more general distraction to road users such that it would have an adverse impact on public safety. Advertisements of a similar size which are illuminated appear to be a longstanding feature at the site and the evidence does not indicate that the roads where adjacent to the site have a poor safety record. The brightness of the advertisement can be carefully controlled and digital advertisements are not an uncommon sight within urban areas.
11. The advertisement would not therefore have any significant adverse impact on public safety.

Other Matters

12. I have been advised that future modifications are expected at the junction as part of an on-going major road improvement scheme in the area and that a traffic signal improvement scheme would form part of those improvements.
13. However, the evidence does not indicate that any firm timescale or plans for that proposal have been arrived at. In any event, there cannot be any certainty

¹ Paragraph: 068 Reference ID: 18b-068-20140306

that such a future scheme which is not at an advanced stage would be fundamentally compromised by allowing one digital advertisement in this location. I therefore afford this matter limited weight.

14. The Council have identified no adverse impact on amenity as a result of the proposal and given the appearance of the site which is dominated by advertising and the set off of nearby dwellings, I have no reason to disagree.

Conditions

15. In addition to the five standard conditions set out in the Advertisement Regulations some further conditions are necessary. These are closely based on those suggested by the parties and details included within the evidence. They prohibit moving images and regulate the frequency of image changes and the level of illumination in the interests of highway safety.

Conclusion

16. For the reasons above, the appeal should be allowed.

T J Burnham

INSPECTOR