



Appeal Decision

Site visit made on 9 November 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/W4705/Z/22/3309024

New World Payphones Kiosk, O/S Barkerend Health Centre, Barkerend Road, Bradford BD3 8QH

- 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 New World Payphones against the decision of City of Bradford Metropolitan District Council.
- The application Ref 22/03056/ADV, dated 11 July 2022, was refused by notice dated 30 August 2022.
- The advertisement proposed was described as '*replacement of telephone kiosk with new telephone kiosk which includes integrated digital advertisement display*'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was initially described in the terms set out in the banner above. However, I am advised that planning permission¹ has been granted separately for the replacement of the existing telephone kiosk with a new telephone kiosk. It is proposed that the digital advertisement display panel to which this appeal relates would be integral to the kiosk for which planning permission has been granted. I have determined this appeal accordingly.

Background and Main Issues

3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The reasons for refusal refer to Core Strategy Development Plan Document (CSDPD) policies DS1, DS3 and DS5. I have taken these policies into account insofar as they relate to amenity and public safety.
4. The main issues in this case are therefore the effects of the proposal upon:
 - Public safety; and
 - Amenity.

¹ LPA Ref No: 22/03055/FUL

Reasons

Public safety

5. The appeal site is located adjacent to a signalised pedestrian crossing on Barkerend Road which is also, in turn, immediately adjacent to a crossroads junction with Marchbank Road and Dalby Street. The former provides an exit point from a nearby school, whilst the latter (a short cul-de-sac) provides limited on-street parking for the aforementioned health centre. Further on-street parking is available on both sides of Barkerend Road which is both traffic-calmed and limited with a speed limit of 20mph. together with a segregated cycle lane on the northern side of Barkerend Road, it is likely that there would be a range of pedestrian and vehicle movements experienced within the vicinity of the appeal site.
6. The Guidance recognises that all advertisements are intended to attract attention. However, it goes on to state that if proposed at points where drivers need to take more care, they are more likely to affect public safety. A range of examples are provided, including such as at junctions, pedestrian crossings or other places where local conditions present a traffic hazard.
7. The digital advertisement would only be visible to westbound traffic on approach to the appeal site from the east, where it could be visible on approach for a reasonable length of time. However, that approach is likely to be partially obscured by parked vehicles in the on-street parking spaces in front of the health centre. As such, when occupied by vehicles, the advertisement panel would only become more clearly visible once past any parked vehicles, at which point drivers would be almost at the junction crossing point.
8. The proposal would be integrated within a kiosk for which planning permission has already been approved and which would itself replace an existing kiosk. However, neither the existing kiosk nor the replacement kiosk (minus the advertisement to which this appeal relates) incorporate advertising space that would be harmful public safety in the manner that would arise in the instance before me.
9. Furthermore, the pavement at this point is not particularly wide and so the scope for the advertisement to be offset from the crossing signals to any great extent is not particularly great. Although the appellant notes that there would be clear separation between the advertisement and signal heads, it would only be to a limited degree. Moreover, given the potential for parked cars to be present within the on-street parking bays approaching the appeal site, advance sight of the advertisement may be limited to much closer to the installation.
10. At the time of my visit, I observed Barkerend Road to be busy. The crossing point adjacent to the appeal site and the signalised junction with Killinghall Road and Leeds Old Road a short distance combined to generate significant stop-start traffic and, whilst speeds were low (and limited to 20mph more widely), the need for driver attention and focus remained high. There may not be a documented accident history at this location, but nor do I doubt that the crossing point and cycle lane may be particularly busy at peak school arrival / departure times, demanding additional vigilance on the part of drivers of vehicles.

11. Whilst I accept that the advertisement panel itself would be visible only to those travelling in a west-bound direction, the often somewhat stark, illuminated and changing digital nature of images on such a digital panel would present an unnecessary distraction to road users at a location where attention and vigilance is required. Nor are the appeal site's surroundings overtly commercial, despite the presence of the nearby health centre. I accept that Barkerend Road is located within an urban environment where advertisements are not necessarily unexpected, but the low-key health centre, and largely residential surrounds on Barkerend Road are such that the appeal site does not lie within an overtly commercial location where drivers may be more attuned to such displays.
12. I therefore conclude that the proposed development and advertisement would have an unacceptable impact on highway and public safety. In so far as material to the consideration of public safety, the development would be in conflict with CSDPD Policy. This policy seeks to ensure that proposals should make a positive contribution to people's lives through high quality and inclusive design. In particular, amongst other things, proposals should be designed to ensure a safe environment, whilst the Framework and the Guidance recognise the circumstances in which proposals may harm the public safety of pedestrians, cyclists and all highway users and that development should minimise the scope for conflict between pedestrians, cyclists and vehicles.

Amenity

13. The appeal site lies somewhat isolated from an immediate commercial context. I accept that the area is, as the appellant sets out, part of an urbanised area but that does not equate with a commercial context. The adjacent health centre is a discrete presence within the Barkerend Road street scene, a single storey flat roofed building set below road level with minimal signage. Opposite, lies a pleasing terrace of stone-built residential properties. What little commercial presence there is nearby is discrete, as in the small pharmacy on the opposite side of the pedestrian crossing, or some way distant from the site itself.
14. Nevertheless, installations such as that proposed in this instance are not uncommon within urban locations, whether or not the surroundings are overtly commercial. The advertisement panel would be inset within a replacement telephone kiosk for which permission already exists. The street environment is wide and reasonably open, and the advertisement would be some distance from the nearest residential properties, and only directly visible to on-coming motorists on approach from one direction along Barkerend Road.
15. The question of whether or not the advertisement content would be related to nearby businesses is likely to change over time but is not, in any event, a material consideration to which I give any weight in the determination of this matter. Nor do I find the Council's limited and somewhat vague reasoning as set out within the delegated report to provide compelling justification for the contention that the proposal would cause harm to amenity. The proposed digital advertisement display would not therefore have an intrusive or harmful impact upon the amenity of the Barkerend Road street scene.
16. For these reasons, I am not persuaded that the proposed advertisement would cause harm to amenity in this instance. In so far as material to the

consideration of amenity, there would be no conflict with CSDPD policies DS1 or DS3.

Conclusion

17. For the reasons set out above, whilst I have concluded that the proposed digital advertisement display would not cause harm to amenity it would cause harm to public safety. Having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR