The Planning Inspectorate

Appeal Decision

Site visit made on 24 February 2023

by G Robbie BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Appeal Ref: APP/W4705/Z/22/3311856
Railway Social Club, Wakefield Road, BRADFORD, BD4 7PE

- 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 22/03753/ADV, dated 15 August 2022, was refused by notice dated 20 October 2022.
- The advertisement proposed is Installation of D-Poster Digital LED Advertisement Display, the proposal panel has the same dimensions as a standard 48-sheet hoarding, measuring 6m(w) x 3m(h) x 0.061m(d).

Decision

1. The appeal is allowed and express consent is granted for the display of the installation of D-Poster Digital LED Advertisement Display, the proposal panel has the same dimensions as a standard 48-sheet hoarding, measuring 6m(w) x 3m(h) x 0.061m(d) 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 intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m2 in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).

    2) The minimum display time for each advertisement shall be no less than 10 seconds.

    3) Changes between advertisements to take place instantly with fade effect and no other sequencing, fading, swiping or merging effects.

    4) No individual advertisement displayed shall at any time contain moving images, animation, intermittent or full motion video images, audio, directional symbols or any images that resemble road signs or traffic signals.

    5) The advertisement display shall at all times contain a feature that will turn the display off (showing a black/blank screen) in the event of malfunction or error.

Background and Main Issue

2. 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 reason for refusal refers to Policies DS1 and DS3 of the City of Bradford 'Core Strategy Development Plan Document (CS)'[1]. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken these policies into account, they have not been decisive in my consideration of this appeal.

3. The Council have not objected to the proposal on grounds of public safety, nor have I been presented with any further compelling evidence to lead me to reach an alternative conclusion on this matter. I have determined the appeal accordingly.

4. Having regard to the above, the main issue in this instance is the effect of the proposed advertisement upon amenity.

Reasons

5. The proposed digital advertisement panel would be sited on the western boundary of the Railway Social Club grounds on Wakefield Road. It is not disputed that the site has previously hosted an advertisement display in the same location as that now proposed. It is also clear, however, that it has not done so for a considerable length of time. Comparisons between the signs and the effects thereof are not, therefore, useful or matters to which I give any significant weight.

6. Nevertheless, the appeal site lies within a predominantly commercial area alongside the busy Wakefield Road, a main arterial road leading towards Bradford city centre. It is, however, somewhat isolated from other buildings and structures on Wakefield Road, the wide dual carriageway corridor setting the site apart from commercial buildings on the opposite side of the road. On the northern side of the road, groups of trees on either side of the appeal site serve to set it apart from the nearest buildings; a derelict former petrol station on one side and a large commercial building at a lower level on the other. These groups of trees also provide a softening of views towards the site in both directions as well as a particularly muted foreground / backdrop to the site.

7. The proposed digital advertisement would be mounted so that its lower edge would be in the region of 3 metres above ground level, its top edge in the region of 6 metres above ground level. As such, it would be a considerably taller structure than the Railway Social Club building, a low, single storey structure set a short distance to the east of the proposed advertisement.

8. However, notwithstanding their relative differences in height, there are few other buildings immediately around the site that would be directly affected by the advertisement's scale and height. Although the approach towards the site from the west rises towards it, thereby accentuating its scale, the foreground group of trees within the grass verge soften views of both the advertisement and its relationship with the social club building. From the east, another group

[1] Adopted July 2017

of trees within the verge but closer to the carriageway also provide foreground screening whilst those to the west provide a backdrop ensuring that the advertisement would not be seen against an open skyline.

9. Although free-standing, the panel's proximity to the social club provides a functional context to its siting. Whilst digital advertisement panels are not common along this stretch of Wakefield Road, their presence along roads of this nature, within an area otherwise characterised by commercial buildings with prominent forms of signage would be neither unexpected nor out of character.

10. Advertisements are designed to catch the eye. Digital advertisement panels are entirely illuminated and, quite often, their images are sharper than traditional paper-and-paste panels, even when the latter are illuminated. The proposed panel would result in a significantly contrasting image to the backdrop of the group of trees behind it. However, longer views of the advertisement would be broken up by the existing groups of trees. This would clearly be more pronounced when the trees are in leaf than when not, but even when denuded of foliage, the trees would provide a useful softening of the longer views from distance that the Council are concerned about in their officer report.

11. In closer views, the sign would be experienced in the context of the social club. Whilst only a modest building, it is nevertheless clearly commercial in character and ensures that the advertisement would not be functionally isolated from commercial uses. Nearby commercial buildings and their schemes of signage and the busy, well-lit nature of Wakefield Road combine to contribute to the context in which the proposal would be experienced.

12. I am satisfied that the control measures set out by the appellant would ensure that the display itself would be responsive to changing daylight conditions, as well as limited during the hours of darkness. Whilst the display would be a result in a new visual element within the streetscene, it being some time since an advertisement was last displayed in this location, it would not be so strident as to be unduly dominant, harmfully incongruous, intrusive or out of keeping.

13. Thus, for the reasons set out, I am satisfied that the size, siting and method of illumination of the proposed digital advertisement would not have an adverse impact on the amenity of the surrounding area. The National Planning Policy Framework (the Framework) recognises that the quality and character of places can suffer from poorly sited and designed advertisements. As I have concluded that no harm to amenity would arise from the proposed development, there would be no conflict with the provisions of the Framework. Nor would there be any conflict with Core Strategy Policies DS1 or DS3, the provisions of which I have taken into account, which together seek to achieve good design and high-quality places.

Conditions

14. The Council have not suggested any further conditions beyond the five standard conditions set out in Schedule 2 of the Regulations. However, in addition to those standard conditions, the appellant has also set out a further five suggested conditions. I agree that conditions relating to the intensity of illumination and the means by which to control it; the refresh rate and method of transition for images; the types of images to be displayed and a 'fail-safe' display in the event of malfunction are necessary and reasonable in the

interests of amenity and public safety. I have imposed those conditions accordingly.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should succeed.

G Robbie

INSPECTOR