



# Appeal Decision

Site visit made on 24 February 2023

**by G Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 March 2023**

**Appeal Ref: APP/W4705/Z/22/3312232**

**828 Leeds Road, Bradford BD3 9TY**

- 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 22/03375/ADV, dated 22 July 2022, was refused by notice dated 10 October 2022.
- The advertisement proposed is erection of new digital poster display.

## Decision

1. The appeal is allowed and express consent is granted for the erection of new digital poster display 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/m<sup>2</sup> 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) 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.
  - 3) The sequential advertisements shall not change more than once every 10 seconds; and
  - 4) Changes between advertisements to take place instantly with fade effect and no other sequencing, fading, swiping or merging effects.

## Background and Main Issues

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 reasons for refusal refer to Policies DS1, DS3, DS4 and DS5 of the City of Bradford 'Core Strategy Development Plan Document (CS)'<sup>1</sup>. The Regulations require

<sup>1</sup> Adopted July 2017

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. Having regard to the above, the main issues in this instance are the effects of the proposed advertisement upon amenity and public safety.

## **Reasons**

### *Amenity*

4. Leeds Road is described by the Council as a 'gateway' road into the city centre, but I have not been provided with any evidence of any formal designation as such. Nor, other than that it leads towards the city centre, is it explained what is meant by this or the significance of it as such.
5. The building's exposed gable flank elevation is somewhat ungainly and ill-proportioned. Whilst there is evidence of signs having been present on this elevation in the past, either visibly or in the form of past 'street view' images, there are none there presently. The exposed elevation is an abrupt and somewhat stark point of transition from the short, terraced block of which it forms the easterly termination to the area of open space and play area on the corner of Leeds Road and Hubert Street and is visible in longer views on approach from the east across the area of open space.
6. The digital display panel would be positioned on the building's flank wall, covering an existing small first floor window and protruding slightly above the eaves level of the rear sloping roof. However, the building is of considerable height and the degree of protrusion above the eaves level would be minimal. More pertinently, it is the existing building's blank gable flank which draws attention and highlights its ungainly appearance and not, in my judgement, what is proposed. Rather, the proposed panel in providing a new focal point would draw attention instead to its content rather than to that of the building's form and appearance.
7. Nor do I find that the installation of the panel and its use for the display of digital advertising images would prejudice the Council's wider aims, whether formally stated or not, for the enhancement and improvement of the Leeds Road area. The existing building and its flank elevation contribute very little to the amenities of the Leeds Road streetscene, their presently somewhat drab appearance doing little to enhance the appearance of this area. Whilst the appellant's intention to paint the building's flank elevation is noted, this goes beyond the scope of this application for advertisement consent and carries little weight in my determination of this matter. In any event, I am satisfied that the proposal would not draw adverse attention to the panel or to the building in the manner feared by the Council.
8. The sign would be visible on approach in moderate length views from the east. However, the modern commercial building on the eastern side of the Hubert Street junction would restrict longer views, instead gradually revealing it more fully closer to the site. As it would be seen with the foreground context of commercial signs in the further east on Leeds Road, with other commercial signage as backdrop beyond, its presence in longer views would not be harmfully disruptive, jarring or out of character.

9. Thus, for the reasons set out, the proposal would not cause harm to the amenities of the appeal building, the immediate area or the approach to it along Leeds Road. CS policies DS1 and DS3 are cited on the decision notice and set out the Council's approach in seeking to secure good, high quality design that is appropriate to its context. Whilst taking these policies into account so far as they are material, they have not been decisive.

#### *Public safety*

10. Speed limits along this stretch of Leeds Road are low and the approach to the appeal site is straight. Despite the building on the opposite side of Hubert Street partially obscuring longer views on approach from the east, the low speed limits along this stretch of Leeds Road are such that drivers would have a generous amount of time in which to assimilate the display and the intervening highways features. Control, by way of suitably worded conditions, could also be ensured to limit the frequency and method of refresh, thereby avoiding unnecessary, frequent or random changes of image.
11. The Council refer to there having been 'numerous incidents along Leeds Road' involving vehicular traffic, but have not provided further detail of, or commentary upon, those examples. The appellant's 'Highway Safety Report'<sup>2</sup> identifies just one however in the vicinity of the appeal site, on the eastbound carriageway, but the information provided regarding it is also limited. Nevertheless, the evidence before me does not suggest that the area of Leeds Road in the vicinity of the appeal site is, or has been, particularly prone to incidents. Nor does it suggest that the appeal proposal would be a cause of such events.
12. At the point at which drivers would have to contend with those features closer to the site – the bus stop, Hubert Street junction and the pedestrian crossing – they would already be familiar with the presence of the sign. Nor am I persuaded that the combination of highway factors referred to by the Council are particularly complex or unusual, or would otherwise be harmed by the additional presence of the proposed advertisement. Whilst I agree that Leeds Road is a busy road, indeed seemingly particularly so at the time of my visit to the site, the forward visibility afforded to the proposal's location would not be prejudicial to pedestrian or highway safety or, therefore, public safety as required to be considered by the Regulations. Although not decisive, the proposal would not be in conflict with the overall aims of CS policies DS4 or DS5.

#### **Conditions**

13. The Council have not suggested any conditions beyond the five standard conditions set out in the Regulations. The appellant has however set out additional conditions<sup>3</sup> regarding levels of luminance; the nature and type of image and the method and rate of refresh of those images. Conditions of this nature are necessary in the interests of amenity and public safety and I have imposed them, with amended wording, accordingly. I am satisfied that neither party would be disadvantaged by taking this approach.

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<sup>2</sup> Vectos 'Highway Safety Report' November 2022 VN222465

<sup>3</sup> Page 5, paragraph 2.4 Vectos 'Highway Safety Report' November 2022 VN222465

**Conclusion**

14. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

*G Robbie*

INSPECTOR