
Appeal Decision

Site visit made on 28 February 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/W4705/Z/22/3312690

Advertisements adjacent 12 Otley Road, Otley Road, Baildon, Shipley, Bradford BD17 7HB

- 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 Mr Ben Porte (Clear Channel UK) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/03583/ADV, dated 15 August 2022, was refused by notice dated 21 October 2022.
 - The advertisement proposed is removal and replacement of 3no 48-sheet poster advertisements and installation of 1no illuminated 48-sheet D-Poster advertisement and ancillary vertical meadow green wall - Illumination to comply with Institute of Lighting Professionals' PLG05 (see planning statement) - Frequency of images to be no greater than once every ten seconds - No moving images, video or flashing lights to be displayed.
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Decision

1. The appeal is allowed and express consent is granted for removal and replacement of 3no 48-sheet poster advertisements and installation of 1no illuminated 48-sheet D-Poster advertisement and ancillary vertical meadow green wall. 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; and
 - The advertisement shall be switched off between the hours of 00.00 and 05.00.

Procedural Matter

2. The description of the proposal has been amended in the formal decision above from that on the application form to provide a clearer definition of the proposals and to avoid duplication with matters covered by the conditions.

Main Issues

3. The main issues are the effect of the advertisement on public safety and the visual amenity of the area.

Reasons

Public safety

4. The advertisement would be placed at an angle with the highway such that it would have increased direct visibility on the north-western side of the carriageway for road users travelling in a south westerly direction along Otley Road compared to the existing advertisements.
5. However, the proposed advertisement would be placed within an area that already has a broadly commercial character and appearance and where advertisements are commonplace. The site currently supports three advertisements which are clearly visible to users of the adjacent highway.
6. Within this context, I do not consider that the advertisement, which would not be placed so as to interfere with the traffic light heads at the nearby signalised junction, would offer a significant distraction to users of the highway.
7. The advertisement would not therefore have any significant adverse impact on public safety.

Visual amenity

8. It would appear to be the case that as a result of the angle of the advertisement, it would be visible from residential windows on an upper floor at 12 Otley Road.
9. However, the intervening trees would be likely to break up those views when in leaf. Further, the relationship between the windows and the advertisement would not be close in terms of distance. It is also the case that such an advertisement could reasonably be expected within a broadly commercial area.
10. There would be no direct views from the main windows of residential properties on Lower Holme. The appellant has suggested a condition that the advertisement is switched off during the deepest part of the night, which I have included. As a result of these matters, the advertisement would not therefore have any significant adverse impact on the visual amenity of the area.

Conditions

11. In addition to the five standard conditions set out in the Advertisement Regulations some further conditions are necessary. They prohibit moving images and regulate the frequency of image changes and the level of illumination in the interests of public safety. There is an hours of use condition in the interests of visual amenity.

Conclusion

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

T J Burnham INSPECTOR