The Planning Inspectorate

Appeal Decision

Site visit made on 6 February 2024

by G Robbie BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/W4705/Z/23/3333242
Land On The South Side Of Farfield Avenue, Bradford BD6 2HL

- 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 23/02875/ADV, dated 20 July 2023, was refused by notice dated 3 October 2023.
- The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.

Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing 48 sheet advert to support digital poster 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^2 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, traffic signals or traffic matrix signs.

    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.

Preliminary Matters

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)'[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. A new and updated version of the Framework was published on 19 December 2023. With the exception of paragraph numbering, the parts of the Framework most relevant to this appeal have not changed from the previous iteration and, consequently, it has not been necessary for me to seek the further comments of the main parties in this respect. I have determined the appeal accordingly.

Main Issues

4. Having regard to the above, the main issues in this instance are the effects of the proposed digital poster upon:

   - Amenity; and
   - Public safety.

Reasons

Amenity

5. The appeal proposal would replace an existing 48-sheet advertisement panel. The existing panel is not, however, illuminated whereas the digital poster panel would display illuminated digital images.

6. The digital poster would be set against the backdrop of commercial buildings, albeit ones that do not appear to be heavily illuminated. Nevertheless, I do not share the Council's concern that the appeal site lies in an area that is 'otherwise very dark at night'. Farfield Avenue has streetlighting along its length with a streetlight column directly opposite the appeal site. In longer views on approach from the west, the panel and its immediate surroundings would be seen in the context of a backdrop of streetlighting on the same side of the road, with a streetlight directly opposite the proposed panel on the other side of the road. In these longer views from the west, the heavily illuminated and commercial presence of a supermarket and its car park lie below Farfield Avenue is also evident.

7. There are no residential properties directly opposite the appeal site, and those closest still are some distance away and, depending upon the season, are largely screened by the foliage or skeletal canopies of the intervening vegetation. Whilst I acknowledge the gap in built development on the northern side of the road between properties on Sandall Magna and Farfield Avenue where the entrance to Blackshaw Urban Park lies, the display would be seen against, rather than above, the nearby commercial units, above which a substantial brick chimney with telecommunications apparatus looms. Together with the streetlighting described above and the illumination provided by passing vehicle headlights, the panel's position, siting, height and immediate commercial backdrop are such that I am not persuaded that it would be harmful to visual amenity.

[1] Adopted July 2017

8. 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 in reaching my conclusion on matters of amenity.

Public Safety

9. The proposed digital advertisement panel would be located at a slight angle to, but otherwise, directly facing on-coming traffic heading in an easterly direction along Farfield Avenue. Other than the rear of the unit, the advertisement display itself would not be visible to those passing in a westerly direction.

10. Farfield Avenue at this point is a wide and generally straight road with good visibility in both directions. There are streetlights along its length, at this point on the opposite side of the road, but with a backdrop further east of streetlights on the southern side of the road. There is some on-street parking on the eastbound side of the road broadly opposite the appeal site where there is an entrance to Blackshaw Urban Park, and a central refuge a little distance past the appeal site where the road continues to gently rise but little in the way of complication or hazard to either motorist or pedestrian. Pavements run along both sides of the road past the appeal site and are supplemented by wide grass verges, also on both sides of the road.

11. The existing sign, and the proposed digital replacement, can be seen for a considerable distance on approach from the west. Although partly screened by trees and vegetation on land adjoining the road, the presence of the advertisement would not come as a surprise to motorists travelling eastbound. Nor are there a great number of junctions or conflicting movements of vehicles, pedestrians or cyclists that would otherwise demand the over-riding attention of drivers as they pass the site.

12. Although the Council describe the road as having a 50mph speed limit, I saw no evidence on the ground to suggest that Farfield Avenue at this point has anything other than a 30mph speed limit. The appellant's appeal submissions also confirm a speed limit of 30mph, rather than 50mph. Even if the latter were to be the case however, I am not persuaded that the proposed digital poster would be distracting to motorists, or that local highway conditions are such that its presence would be prejudicial to highway safety, let alone severely as the Council express. The digital panel would not therefore be prejudicial to public safety. Although not decisive, the proposed digital advertisement poster would not be in conflict with the overall aims of CS Policies DS4 or P1.

Conditions

13. The Council has not suggested any further conditions beyond the five standard conditions set out in the Regulations. The appellant has however referred to a suite of 'model conditions' set out in guidance issued by the Institute of Lighting Professionals[2] and has identified some of those 'model conditions' to be applied in this instance.

[2] Appendix 1 of Institute of Lighting Professionals Technical Note 5 'The Brightness of Illuminated Advertisements including Digital Displays' (PLG05/23) – reproduced in Appendix 5 of the appellant's Grounds of Appeal

14. I agree that conditions relating to the intensity and brightness of illumination and the means by which to control it; the refresh rate and method of transition for images and the types of images that should not be displayed are necessary and reasonable in the interests of amenity and public safety. I have therefore imposed conditions to this effect accordingly.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the upgrade of the existing 48 sheet advert to support a digital poster would not be detrimental to the interests of amenity and public safety. The appeal succeeds and express advertisement consent is granted in the terms set out above.

G Robbie

INSPECTOR