



Appeal Decisions

Site visit made on 6 November 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal A Ref: APP/W4705/W/24/3348163

Rimingtons Pharmacy, 9 Bridge Street, Bradford, BD1 1RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by IN FOCUS NETWORK LIMITED against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01254/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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Appeal B Ref: APP/W4705/H/24/3348166

Rimingtons Pharmacy, 9 Bridge Street, Bradford, BD1 1RX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by IN FOCUS NETWORK LIMITED against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/01255/ADV.
 - The advertisement proposed is an 86 inch LCD screen showing illuminated static and animated displays.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Although the Council's reason for refusal in respect of Appeal B refers to heritage effects described in the National Planning Policy Framework (the Framework) these do not apply to this advertisement consent appeal. The Regulations confine assessment of issues to amenity and public safety, albeit any feature of historic interest is relevant to amenity.

Main Issues

4. The main issues for Appeal A are the effect of the proposal on the character and appearance of the area and on the historic environment.
5. Having regard to the Regulations and the decision of the Council, the main issues for Appeal B are the effect of the proposed advertisement on amenity and public safety.

Reasons

6. The appeal site is a largely open, wide, paved area, subject to recent and ongoing public realm improvement works, in the City Centre Conservation Area (the CA) and to the front of a Grade II listed building. The opposite side of Bridge Street is largely open, with the listed building and the site effectively forming a side of a large, central, open space, flanked by other large, statement buildings. Within the street scene and in nearby streets there are other advertisements and advertising structures similar to that proposed here, as well as wayfinding signage, boards and street furniture commensurate with the city centre uses and status of the site and its surroundings.

Character and appearance

7. The proposal would introduce a relatively tall, prominent and plainly modern element, set perpendicular to the direction of the road and the main flow of pedestrian movement, directly in front of an attractive listed building, within the CA and within an otherwise currently open and unobstructed pedestrian area.
8. Given that, the proposal would appear somewhat stranded and oddly located, prominent in the centre of a large, otherwise open, paved area, bearing little relation to its surroundings, or even any other nearby street furniture.
9. Whilst I accept that it is the purpose of advertisements to be prominent and visible, the appellant states that the hub unit is primarily communication apparatus. As such, its prominence is unnecessary and would be out of keeping with the openness and character of the public open space around it. Its location would appear awkward and jarring within the street. All of this harm is exacerbated by the location of the proposal within, and its relationship to the recently improved public realm.
10. In addition, the proposal would close off views from Bridge Street up towards the attractive buildings on, and views along Sunbridge Road, and in the other direction, intrude on views of the Town Hall and further along Bridge Street. Whilst I note there are similar sized digital advertisements on Tyrrel Street, I find that they are within a much less open street scene, with shorter, more enclosed views and surrounded by much more other incidental street furniture than the appeal proposal would be. As such, their presence does not alter my conclusions or findings on the effects of the appeal proposal.
11. As a result, I find that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies DS1 and DS3 of the Local Plan for the Bradford District Core Strategy Development Plan Document, 2017 (the Core Strategy). These seek, amongst other things, to ensure that developments achieve good design, which is sensitive to its context and the surrounding urban character.

Historic environment

12. As noted, the appeal site lies within the CA and to the front of, and clearly within the setting of a Grade II listed building. At present, the site makes a positive contribution to the significance of both as heritage assets, as it gives an open space from which the wider CA can be appreciated, and gives space to see and appreciate the listed building, as well as its relationship to the wider CA.

13. The proposal would, as a result of its effect on the character and appearance of the area set out above, cause less than substantial harm to the significance of both the CA and listed building as heritage assets. There are public benefits from the proposal, including an apparently free means to interact with local authorities, make landline calls, access a wireless internet connection, find directions, charge devices, contact emergency services and access a defibrillator. However, there is nothing in the evidence which establishes that the appeal proposal is the only means of delivering these benefits, or that they are not otherwise well provided for elsewhere close by.
14. In this, I accept that the city centre is a vibrant location, and that well designed, accessible, functional street furniture can work well with commercial centres and heritage assets. I also accept that a city centre is where this sort of development would be expected, and that modern elements can be acceptable in a historic location.
15. However, this particular proposal, in this location does not appear well-designed or well-located. As such, I do not consider that the public benefits of the proposal outweigh the harm to the significance I have found to the designated heritage assets. The proposal would then neither preserve nor enhance the character or appearance of the CA. It would also fail to preserve the setting of the listed building.
16. The proposal would therefore cause harm to the historic environment, and conflict with Policy EN3 of the Core Strategy which seeks, amongst other things, to ensure that proposals conserve or enhance the significance and setting of heritage assets, including historic townscapes and national policy in the Framework.

Amenity

17. I accept that there are illuminated, digital advertisements, similar to that proposed here, close to the appeal site, that they are not necessarily unusual in a town centre and that they can, in certain circumstances, sit acceptably within the historic environment. However, this particular advertisement, sited as it is, and given my conclusions on the effect of the proposal on both the character and appearance of the area and on the historic environment, would have a harmful effect on amenity. Insofar as they are relevant to consideration of the effect of the proposal on amenity, I have taken into account policies DS1, DS3 and EN3 of the Core Strategy.

Public safety

18. Given its location within a wide, traffic free area, I find that the proposed advertisement would not have a harmful effect on public safety.

Other Matters

19. Since the preparation of the application and appeal documents, a large programme of public realm improvement works has begun at and around the site. These works involve changes to the carriageway layout, traffic movement changes, removal of parking bays and removal of associated street furniture. Notably, the works have removed the parking bays and bollards shown in the application and appeal documents, widening the paved area around the site.

20. Whilst the appellant has not referred to these works in their appeals, I am satisfied that they have suffered no prejudice as a result. It was clear from the consultation comments received before the Council made their decisions, and from the Council's decisions themselves, including the Officer Reports on which they relied for the appeals, that the relationship of the proposal to the public realm improvement works was at issue.
21. That the appellant chose not to address them is their prerogative.
22. In any event, having reviewed the visualisations based on the previous street layout, my conclusions would have remained the same. The harms I have identified have only been given greater weight in light of the positive effects of the public realm works.

Conclusions

Appeal A

23. Taking all of the above together, I find that as a result of its harmful effect on the character and appearance of the area and the historic environment, the proposal would significantly conflict with the development plan.
24. The provision of a free means to interact with local authorities, make landline calls, use a wireless internet connection, find directions, charge devices, contact emergency services and have access to a defibrillator is a public benefit, and I give it some positive weight in favour of the proposal. However, that weight is limited by both the extent of the harm I have found, and the limited degree to which it is absolutely necessary to deliver the appeal proposal in order to realise that benefit. Indeed, many of those benefits could be delivered in other ways, and there are examples of that around the city centre and close to the site which do not cause the harm I have identified as arising from the appeal proposal.
25. Whilst the public benefits of the proposal are a material consideration, I do not find that they outweigh the harm I have found or are of such weight to indicate that a decision be taken other than in accordance with the development plan.
26. The appeal should therefore be dismissed.

Appeal B

27. The illuminated digital advertisement would not harm the interests of public safety but would harm the interests of amenity.
28. The appeal should therefore be dismissed.

S Dean

INSPECTOR