



Appeal Decisions

Site visit made on 19 November 2024

By E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal A Ref: APP/W4705/W/24/3349731

Bradford City Library, 9 Aldermanbury, Bradford, BD1 1SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still, In Focus Network Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 24/01250/FUL, dated 4 April 2024, was refused by notice dated 7 August 2024.
 - The development proposed is described as 'this application relates to 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/24/3348644

Bradford City Library, 9 Aldermanbury, Bradford, BD1 1SD

- 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 Nathan Still, In Focus Network Limited against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 24/01251/ADV, dated 4 April 2024, was refused by notice dated 26 June 2024.
 - The advertisement proposed is described as 'this application relates to the installation of a modern, multifunction Hub unit featuring an integral advertisement display and defibrillator'.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Procedural Matters

2. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the electronic communication hub and advertisement are inextricably linked in each case. Therefore to avoid duplication I have dealt with the two appeals together having regard to the independent requirements of both the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) for the proposals.
3. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies

referred to by the Council have not by themselves been decisive for Appeal B, I have taken them into account as a material consideration.

4. The submitted plans are not consistent. The plan showing the application site in its wider surroundings shows a red outlined square to the north of the mirror pool within Centenary Square. This does not correspond to the plan showing the proposed hub unit or the two proposed street view drawings/photomontages which show the hub sited further to the west adjacent to the larger raised planters at the south western access to the square. In the absence of any clarification on this matter from the appellant, and in line with the approach taken by the Council, I have based my consideration of the scheme on the siting of the hub to the west of the mirror pool as shown on the majority of the drawings.
5. The appellant's statement refers to the planning appeal in this case being against the failure of the Council to determine the planning application Ref 24/01250/FUL. However, it appears that the application was subsequently determined and a decision notice has been provided. For the sake of clarity, I confirm that I have considered the planning appeal based on the reasons for refusal given on that document.

Main Issues

6. The main issues for Appeal A are whether the communications hub would preserve or enhance the character or appearance of the City Centre Conservation Area, and whether it would preserve the setting of the nearby Grade I listed building at Bradford Town Hall (Ref 1133675).
7. The main issue for Appeal B is the effect of the advertisement on visual amenity.

Reasons

The listed building and the conservation area

8. The proposed freestanding multifunctional communication hub would be 2.6 metres high and 1.3 metres wide and incorporate a LCD advertisement screen to one side. The appeal site is part of the paved area to the western edge of Centenary Square in the city centre. Surrounded by municipal buildings including the Town Hall Centenary Square is an extensive area of public open space, which incorporates the mirror pool and fountain, hard and soft landscaping including raised planters and trees along with modern street furniture. It is an impressive remodelled civic space and high quality area of public realm.
9. The appeal site is within the Bradford City Centre Conservation Area which takes in the original core of the Victorian city and retains many elements from the various stages in its history and development. The historic centre is characterised by an eclectic mix of building styles including a strong collection of ornate Victorian structures intended to illustrate wealth, prestige and civic pride. The more modern leisure development on the western edge of Centenary Square and Aldermanbury is identified in the Conservation Area Appraisal as having a positive impact on the conservation area.

10. The character and appearance of the conservation area includes a variety of high quality historic buildings in a formal urban setting with wide thoroughfares flanked by tall buildings and high quality public realm. I consider that the significance of the conservation area, in so far as it relates to these appeals is mainly derived from the quality and variety of the historic and modern buildings and the relationships of these to each other and the spaces, streets and public realm around them that make up the distinctive and cohesive townscape of the city centre.
11. The appeal site is an open area in a prominent position in Centenary Square within that part of the paved area that forms a pedestrian route passing through the square on its western side. It is part of an important area of public realm which allows wide ranging views to be taken across the square. Thus the appeal site contributes positively to the historic character and appearance of the conservation area.
12. Whilst not included in the reasons for refusal, the Council refers to the nearby Grade I listed building at Bradford Town Hall, which is also considered in the appellant's case. The impressive Town Hall was completed in 1873 and was intended to compete with the Leeds and Halifax town halls. It is a tall and imposing building of rock sandstone over three storeys with a lofty campanile tower and an attic incorporating steep pitched roofs in a gothic style.
13. It is a magnificent civic building which is recognised as being of the highest national significance and of exceptional architectural and historic interest. It dominates the centre of Bradford and is a prominent landmark which faces out onto the eastern side of Centenary Square and forms the backdrop to this distinctive public open space.
14. Insofar as relating to these appeals, the significance of this listed building is derived from its important historic interest as a key city centre landmark building which provides evidence of the role and status of Bradford, its industrial past and its historic development. The setting of this building, and the contribution it makes to the significance of that asset, in so far as it relates to these appeals, is derived from the rich historic character of the urban townscape and its high quality public spaces.
15. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. The Town Hall is close to the appeal site, looks out over it and forms part of the back drop to it, and there is inter-visibility between it and the appeal site. Some key contextual views of the Town Hall on approach from the south and west include the appeal site. Thus it has a visual relationship with the listed building and the urban streetscape contributes to its setting. I have had special regard to this matter in considering the appeals.

The effect of the proposals

16. The front of the hub would include a telephone handset, an induction and USB charger, a 32 inch touchscreen (to allow access to the internet, provide local information including access to the Council's webpages, and aid wayfinding), an integral defibrillator and a solar panel to the canopy. The reverse of the hub would feature a larger 86 inch LCD advertisement screen which would display a series of static images. This features an ultra HD resolution designed to be visible outdoors and in direct sunlight with an automatic dim function. The

screen and illumination would be fitted with a light sensor to reflect ambient levels of light, fixed at night time to the recommended levels of the Institute of Lighting Engineers and the advert would power off between 12 midnight and 6.00 am. These matters could be controlled via conditions.

17. The proposals are part of a town centre scheme to install a limited network of hubs and is of a purposely modern functional design intended to complement the existing city centre street furniture nearby (which includes light columns, street signs, bollards and public seating). It would be of a generally human scale and size commonly seen in pedestrianised city centre locations. It would also be located within a commercial area where there are existing illuminated advertisements, as well as shop fronts, street lighting and modern buildings.
18. Even taking these factors into account, the proposals would be prominently located in what is currently an open and relatively uncluttered expanse of high quality and attractive public realm. Here they would appear as an obtrusive addition to the carefully planned open space and stand out as a discordant feature which would compromise the openness and spatial qualities of the square.
19. They would also be seen in the context of the nearby listed building. On approach from the south west when entering Centenary Square from Godwin Street, the proposals would be appreciated within the direct context of the Town Hall beyond the mirror pool on the other side of the square, and against this backdrop.
20. Whilst the screen would be confined to the size of a standard 6 sheet advertisement, its scale and illuminated digital nature would draw further attention to the hub structure and would combine to have a negative effect on the quality and character of the views across the square.
21. Overall I find that the proposed hub and screen would stand out as a highly distracting, bold and intrusive feature. As a result the proposals would introduce a discordant addition that would detract from the traditional design and fine architectural features of the Town Hall, and appear at odds with the important townscape and high quality public realm in Centenary Square.
22. Bringing matters together, in introducing an intrusive and distracting feature to the open space, the proposals would unacceptably detract from the public realm and historic townscape and diminish the contribution of the setting of the nearby Town Hall to its significance. For these reasons I find that the proposals would fail to preserve the setting of the listed building. In undermining the setting, which also contributes to the historic significance of the conservation area, the proposals would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposals would cause harm to visual amenity and to the significance of the conservation area and would fail to preserve its character and appearance.
23. In coming to this view, I have had regard to the existing hubs and other forms of freestanding advertising displays that have been permitted in Bradford and elsewhere. However, I am not aware of the full circumstances that led to those schemes and do not regard these existing developments to justify the appeal scheme or to be a reason to allow development that would be harmful.

24. I also appreciate that no public safety objections have been raised and that the footpath/paving would be remediated and reinstated to a high standard of workmanship. The absence of harm in these regards counts neither for, nor against the proposals.

Heritage Balance

25. I therefore conclude that the proposals would be harmful to the visual amenity of the area and would not preserve or enhance the character or appearance of the conservation area or preserve the settings of the nearby listed buildings. I give this harm considerable importance and weight in the balance of these appeals.
26. The Framework advises at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
27. Paragraph 207 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
28. Paragraph 118 of the Framework indicates that an advanced, high quality and reliable communication infrastructure is essential for economic growth and social well-being. The Framework also seeks to support the expansion of electronic communications networks. Paragraph 122 also confirms that local planning authorities must determine applications on planning grounds only and should not seek to prevent competition between different operators, or question the need for an electronic communications system. Additionally the appellant refers to the Government's Statement of Strategic Priorities for telecommunications, the management of radio spectrum and postal services July 2019 Department of Digital, Culture, Media and Sport. All these matters lend support to the proposals.
29. The proposals would incorporate an innovative communications facility that would provide an efficient, reliable and cost free public service (funded by the advertisement revenue from the display). The interactive screen could be used by the Council to promote initiatives and events as well as for wayfinding. It would also provide a platform for local retailers, contribute to the vitality and health of the retail centre, attract visitors and appear as an expression of inward investment. Additionally it would have further potential functions including air quality sensors, pedestrian flow monitoring and CCTV cameras. Furthermore, the integral defibrillator would provide life saving equipment, and the hub would incorporate energy efficient electronic components and the use of solar energy.
30. These are all public benefits which count in favour of Appeal A. However, since there are other hubs across the city, this limits the weight I afford to these benefits, which in practical terms would only be modest.

31. Accordingly, I give the public benefits arising from these matters only limited weight. Thus, I find that overall the public benefits of the proposals would not outweigh the harm to the significance of the designated heritage assets that I have identified.
32. The proposals would thus be contrary to Policy DS1 of the Bradford Core Strategy Development Plan Document (CS) which seeks to achieve good design and high quality places. They would also fail to support CS Policy DS3 which requires proposals to create a strong sense of place and be appropriate to their context, and Policy EN3 which states that the Council will protect and enhance the character appearance and historic value and significance of the district's designated heritage assets and their settings.
33. For these reasons the proposals would fail to satisfy the requirements of the Act and the Framework and would be in conflict with the development plan.

Conclusion

34. For the reasons set out, and having regard to all other matters raised, both Appeals A and B are dismissed.

E Worthington

INSPECTOR