



---

# Appeal Decision

Site visit made on 19 August 2018

by **Nigel Harrison BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21<sup>st</sup> August 2018

---

**Appeal Ref: APP/G4240/Z/18/3201739**

**Land at Stockport Road (adjacent to Associations of Ukrainians, corner of Stockport Road and Birch Street), Ashton-under-Lyme, Tameside, OL7 0NP**

- 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 Insite Poster Properties (Mr Richard Page) against the decision of Tameside Metropolitan Borough Council.
  - The application Ref: 17/01007/ADV dated 23 November 2017, was refused by notice dated 12 March 2018.
  - The advertisement proposed is: Replacement of existing 2 No 48-sheet illuminated advertising displays with 1 No 48-sheet digitally illuminated display.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The decision notice relates specifically to matters of public safety, and the Council says it is satisfied there would be no harm arising to amenity. Based on my own observations and the established history of advertising at the site, I find no reason to disagree. I therefore consider the main issue is the effect on public safety, with particular regard to highway and pedestrian safety.

## Reasons

3. The appeal site comprises a small area of grassland on the corner of Stockport Road and Birch Street in an area of mixed residential and commercial character. The existing advertisements comprise 2 x No 48-sheet timber framed displays placed side-to-side onto which paper based images are periodically affixed. The existing displays each measure 6m x 3m and are elevated 1.2m above ground level. The signs are externally illuminated.
4. It is proposed to replace these with a single 48-sheet LED digital display measuring 6m x 3m which would be sited centrally on the site and at a higher elevation. The display would present a range of static images with a new image materialising at short intervals. The appellant says the displays would not contain any moving images, animation or flashing lights. The sign would be illuminated at 600 candelas per sqm during the day and 300 candelas per sqm at night in line with the recommendations in the publication '*The Brightness of Illuminated Advertisements*'.<sup>1</sup>

---

<sup>1</sup> Institute of Lighting Professionals: The Brightness of Illuminated Advertisements (PLG, 2015)

5. Paragraph 132 of the revised *National Planning Policy Framework* (the Framework) says advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
6. More detailed guidance is given in *Planning Practice Guidance* (PPG). Paragraph 067 says that all advertisements are intended to attract attention, but those at points where drivers need to take more care are more likely to affect public safety. The PPG adds that there are less likely to be road safety problems if the advertisement is on a site within a commercial locality and if not on a skyline. I accept that the area around the junction is predominantly commercial and the sign would not be on the skyline.
7. However, PPG paragraph 068 also lists the main types of advertisement which may cause danger to road users. These include those which because of their size or siting would obstruct or confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it refers to internally illuminated signs (incorporating either flashing or static lights), including those using light emitting diode (LED) technology, those directly visible from any part of the road, and those subject to frequent changes of display.
8. This does not mean that all internally illuminated sign using LED technology would be harmful to public safety. However, Stockport Road (A6107) is a busy road carrying large volumes of traffic between the motorway junction and the town centre. It has a straight alignment where it passes the appeal site, and the configuration of the junction with Birch Street requires drivers to concentrate with due care and attention to other road users. This is even more so due to the presence of the light-controlled pedestrian crossing and the movements of traffic in and out of the petrol station and visiting the parade of shops on the opposite side of the Stockport Road/Birch Street junction.
9. In this context, I consider the introduction of the proposed sign, by reason of its siting, size, internal illumination and frequent changes of display, would unduly distract and confuse eye of motorists at a junction where road users are required to exercise care and attention. Furthermore, I consider the means of illumination and changing display would reduce the clarity of the traffic signals serving the adjacent pedestrian crossing, leading to a potentially increased risk of accidents, including with pedestrians. Overall I conclude that the proposal would be harmful to public safety, arising from the unacceptable impact of the proposed advertisement on highway and pedestrian safety referred to above.
10. There would be a significant net reduction in advertising material at the site, giving a modest visual benefit in terms of the appearance of the area. I also appreciate that digital technology offers energy efficiency gains over more traditional methods of illumination. There are other benefits to the operator arising from remote operation which would remove the need for regular visits to the site. However, whilst I acknowledge these points in favour, they do not overcome my objections in terms of public safety which must be decisive.
11. For the reasons given above, and having regard to all other matters raised, I conclude that the display of the advertisement would be detrimental to the interests of public safety and that the appeal should fail. It would conflict with the relevant advice in the *Regulations, The Framework, and the PPG*.

*Nigel Harrison* INSPECTOR