



---

# Appeal Decision

Site visit made on 3 July 2018

**by Jillian Rann BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 July 2018**

---

**Appeal Ref: APP/G4240/Z/18/3198296**

**Land adj to 64 Manchester Road, Tameside (Grid Reference: Easting 394464, Northing 395123)**

- 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 Tameside Metropolitan Borough Council.
  - The application Ref 17/00954/ADV, dated 7 November 2017, was refused by notice dated 25 January 2018.
  - The advertisement proposed is described as: 'replacement of 2 no. 48 sheet poster displays with 1 no. internally illuminated digital display and associated logo box'.
- 

## Decision

1. The appeal is allowed and express consent is granted for the display of 1 no. internally illuminated digital display and associated logo box 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 digital display and associated logo box permitted by this consent shall be no greater than 100 candela per square metre at night (between local sunset and local sunrise), and no greater than 600 candela during the day (between local sunrise and local sunset).
  - 2) No single advertisement shall be displayed for fewer than 10 seconds and successive images shall not be changed more frequently than once every 10 seconds.
  - 3) The transition between successive images shall be 0.1 second or less.
  - 4) The digital display shall at all times maintain a safety feature that will turn the screen off (ie show a black screen) in the event that the display experiences a malfunction or error.
  - 5) The digital display and associated logo box shall not display any additional effects (including, but not limited to, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind, at any time. No visual effects, including fading, swiping or animation, shall accompany the transition between any successive advertisements, images or messages.

## **Procedural Matters**

2. As there were discrepancies between the reference numbers of the drawings supplied by the appellant and those listed on the Council's decision notice, clarification has been sought from the parties. The Council has confirmed that there were some errors in the drawing references listed on the decision notice, and that the versions supplied by the appellant were the submitted application drawings, on which the Council based its decision. I therefore consider the appeal on the basis of those drawings. For clarity, they are:
  - Site Location Plan 5390| PP| 01;
  - Existing Site Plan 5390| PP| 02;
  - Proposed Site Plan 5390| PP| 03 Rev B;
  - A-A Elevation 5390| PP| 04 Rev B;
  - B-B Elevation 5390| PP| 05 Rev B; and
  - Existing and Proposed Specification Sheet 5390| PP| 06 Rev B.
3. In reaching my decision I have had regard to the revised National Planning Policy Framework, 24 July 2018 (the revised Framework). I do not find that the provisions of paragraph 132 of the revised Framework raise any new relevant matters when compared with paragraph 67 of the previous version, which is cited in the Council's reason for refusal, and which both parties have previously considered.

## **Main Issue**

4. The main issue is the effect of the proposed advertisement on public safety.

## **Reasons**

5. The site is in a commercial area where illuminated signage, including large poster displays, is a characteristic of the wider street scene and highway environment. The proposed LED digital display would replace two existing, externally illuminated poster displays, and would be of a similar size, and in a similar position to one of these existing advertisements. Therefore, whilst the nature of its illumination would differ from that of the existing advertisements and other nearby displays, the proposed sign would not appear as an unusual or unexpected feature within its immediate surroundings, or to drivers passing through this area.
6. During my visit, I drove the junction from all directions and used all of the pedestrian crossing points. I also observed traffic movements through and around the junction, and noted that traffic volumes in this area at the time of my visit, around lunchtime on a weekday, were relatively high.
7. The appellant has proposed to limit the brightness of the display to 100 candela per square metre at night. This would satisfactorily prevent the display from being unduly bright in relation to surrounding externally illuminated signage during the hours of darkness. Subject to such a restriction, and to also limiting the brightness of the display during daytime hours, the display would not result in undue glare, prominence or distraction for highway users as a result of its brightness.
8. As the advertisement would be sited adjacent to the side of a building, it would only be visible to drivers approaching along Manchester Road in one direction.

From this direction, the appeal site is approached along a relatively long, straight section of road, and the junction and traffic signals are visible to approaching drivers from some distance away.

9. The display would not incorporate any moving images, flashing lights, or animated transitions between displays. The LED images displayed would be static, and the transition between them, every 10 seconds, would be almost instantaneous. A change in the static display may momentarily draw a driver's attention. However, such changes would not be so frequent or so lengthy as to create a significant distraction, and drivers would have time to assimilate the advertisement as part of their observation and decision-making process as they approach the junction.
10. Drivers approaching the site along Clark Way would not be aware of the advertisement until they were closer to the junction. However, it would be positioned to the right of the traffic signals when approaching from this direction, and would not be viewed in conjunction with the signals themselves. As there are a number of other large poster displays along Clark Way approaching the site, the sign would not come as a surprise to drivers approaching from this direction and, for the reasons above, it would not result in more than a momentary distraction or significantly affect the decision-making of drivers approaching from this direction.
11. I observed that the pedestrian crossings around the junction are not signalled. However, I have no substantive evidence before me to suggest that pedestrian safety is a significant concern at the junction at present. For the reasons above, I consider that the proposed advertisement would not represent a significantly greater distraction to drivers approaching the crossings than the existing advertisements which have been present on the site for some time. Given this, and the degree of separation between the advertisement and the various crossing points in the views of drivers approaching them, I have little reason to conclude that the proposal would have significant implications for the safety of pedestrians.
12. Whilst the sign may briefly draw the attention of pedestrians using the crossings, it would not include any moving images which would be likely to create a significant distraction for pedestrians. On the basis of the evidence before me, I have little reason to believe that it would lead them to neglect the necessary care and attention required to safely cross the road.
13. For the reasons given above, the proposed advertisement would not have a significant adverse effect on public safety. It would therefore not conflict with paragraph 132 of the revised Framework, or with the Planning Practice Guidance.
14. My attention has been drawn to a recent appeal decision elsewhere, relating to the replacement of an illuminated 48 sheet advertising display with a 48 sheet LED display. From the limited information before me, I note that there appear to be some outward similarities with regard to the nature of the proposed development. However, I have not been provided with any details of the proposal referred to. I therefore cannot be certain that it is directly comparable to the appeal before me with regard to the site context and the circumstances in which consent was refused. Notwithstanding comparisons drawn, I have considered the appeal on the basis of the specific circumstances and planning merits of this particular site and proposal.

### **Conditions**

15. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests in paragraph 55 of the revised Framework.
16. In the interests of highway and pedestrian safety, I attach conditions restricting the level of illumination of the display, and the frequency and duration of changes between static images. For the same reason, I also attach conditions preventing the display of moving images or animation, and requiring the display to default to a blank screen in the event of a malfunction or error.

### **Conclusions**

17. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

*Jillian Rann*  
INSPECTOR