

Appeal Decision

Site visit made on 7 February 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 1 March 2017

Appeal Ref: APP/T4210/Z/16/3161424

Gable of 37 Walmersley Road, Bury BL9 5AE

- 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 Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60359, dated 11 July 2016, was refused by notice dated 2 September 2016.
 - The advertisement proposed is replacement of existing 48 sheet advertising display with 48 sheet LED display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement 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 advertisement permitted by this consent shall be no greater than 300 candela per square metre.
 - 2) The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
 - 3) The advertisement shall be static with no special effects (including noise, smell, smoke, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 - 4) The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Main issue

2. No issues have been raised in relation to public safety in this appeal. Therefore the main issue in this case is the effect of the 48 sheet LED display on the character and appearance of the host property and wider area.
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Reasons

3. The National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
4. The appeal site is located on the gable end of a group of shops and businesses designated as a Local Centre on Walmersley Road (A56). The road layout and the substantial area of grass and landscaping to the front of the Freedom Church provide an uninterrupted view of the existing 48 sheet poster which the appeal proposal would replace. The A56 is identified within saved policy EN1/9 of the Bury Unitary Development Plan adopted 1997 (UDP) as an area in which the Council wishes to improve the quality of development and is a main through route out of the centre of Bury. Both parties agree that the current 48 sheet advertising display benefits from deemed consent, and a 48 sheet poster has been at the site, since, at least 1996. The Council has not sought to serve a discontinuance notice.
5. From my site visit I observed that the site lies to the north of Bury's main retail core. It is separated from The Rock, a new shopping and leisure development, and a significant area of retail warehousing, by a major intersection. As such it is visually separate from the new developments. However, it is visible from the Moorgate junction.
6. The immediate area surrounding the appeal site appears typical of its inner urban location and is predominantly commercial in nature. There is a mix of larger modern purpose built retailing such as a Wickes, a former flat roofed low office block which has been converted to the Freedom Church, older small scale red brick properties housing a variety of commercial enterprises, and the Local Centre of small shop units fronting either side of the A56, many of which appear to require investment.
7. The proposed advertisement would replace an existing back lit 48 sheet poster with a LED display of similar dimensions, albeit it would be around 20 cm deeper. I note that the existing poster takes up more than half of the width and height of the gable wall of the barber shop. The proposed 48 sheet LED display would be less bright at 300 candela (cd) per sqm both during the night and day, compared to the present levels of 600cd. In addition, the actual advertisement would be a static LED display with images that would change electronically rather than stretched vinyl whose content remains in situ until it is manually changed. The Council has not indicated that the type of illumination is problematic in terms of the visual amenity of the area. Conditions can control the illumination, display time and the prevention of special effects.
8. I am aware that the appeal site is highly visible to traffic travelling north out of Bury. However, the improvements delivered by the proposal of lower levels of illumination, and investment in a modern sign would contribute to the long standing aspiration of the Council to improve the quality of the environment along the A56.
9. I have taken into account saved policies EN1/7 and EN1/9 of the UDP. Together, they both seek to protect amenity, and so are material in this case. However, given my conclusion that in the particular circumstances of this case,

the proposal would not substantially harm amenity, the proposal does not conflict with these policies.

Conditions

10. I have imposed the five standard conditions set out within the Regulations. In addition, the appellant has suggested five further conditions, one of which duplicates the standard five year time period. In the interests of amenity, to maintain highway safety and to avoid overt distraction to drivers, these additional conditions are necessary to control the frequency of image changes, the levels of illumination, and to ensure that images are static, with virtually instantaneous changes.

Conclusion

11. For the reasons which are set out above, I allow the appeal and grant express consent subject to conditions.

L. Nurser

INSPECTOR