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# Appeal Decision

Site visit made on 27 April 2017

**by C Thomas BSc DipTP MRTPI**

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

**Decision date: 24 May 2017**

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**Appeal Ref: APP/U4230/Z/17/3170697**

**Land at Trinity Way, Near Lamb Lane, Salford, M3 6AY**

- 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 Vision Advertising (Mr S Staley) against the decision of Salford City Council.
  - The application Ref 16/69008/ADV, dated 28 October 2016, was refused by notice dated 19 January 2017.
  - The advertisement proposed is one 48 sheet digital LED advertising screen 6.1M X 3.05M.
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## Decision

1. The appeal is allowed and express consent is granted for the display of one 48 sheet digital LED advertising screen 6.1M X 3.05M 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 condition:

The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m<sup>2</sup> during the hours of darkness.

## Main issue

2. The main issue is the effect on the amenity of the area.

## Reasons

3. Amongst other things Paragraph 67 of the National Planning Policy Framework (Framework) states that advertisements should be subject to control only in the interests of amenity and safety, taking account of cumulative impacts. Paragraph 79 of the Planning Practice Guidance (PPG) advises that amenity is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of the advertisement where residents or passers-by will be aware of it.
4. Policy DEV2 of the City of Salford Unitary Development Plan, which deals with advertisements, expects that consent will only be given where they would not have an unacceptable impact on amenity or public safety. The policy goes on to say that they should be of a size and scale consistent with their surroundings, minimise negative impact on residential areas and other sensitive areas, avoid signage clutter, intense or intermittent illumination and incorporate artistic features where appropriate. I have taken these policy considerations into

account in reaching my conclusions with regard to the effect of this proposal on amenity.

5. The proposed LED advertising screen would be sited on a roadside verge which is vegetated with trees and shrubs. The site lies between Trinity Way (A6042), a four lane dual carriageway road carrying a considerable volume of traffic, and the exit slip road from the north-east bound carriageway leading on to Lamb Lane. The immediate area in the main comprises the residential apartment blocks of City Point to the east, Trinity Edge to the south west and the Trinity Court office building and St Stephens Gardens to the west.
6. The proposal involves the display of a single-sided, internally illuminated, 48 sheet digital LED advertising screen within a pressed metal frame. It would measure 3.05m in height, 6.1m wide and 0.6m deep and the base of the frame would be 3m above the ground supported on two metal legs anchored in a concrete foundation.
7. From the written representations I have seen, the brightness of the panel would be restricted to that recommended in the Institute of Lighting Professionals Guide 05 for a brightly-lit city area. The appellants have also stated that the maximum illumination during darkness would not exceed 300cd/m<sup>2</sup> and during the daytime, the illumination would be adjusted by light sensors to make the images visible but not overly bright or dazzling in the ambient light. Furthermore, the images would be static and change seamlessly at no less than 10 second intervals.
8. The proposed LED screen would be prominently located on Trinity Way where it would be angled towards the traffic approaching from the south. The mature vegetation in the verge would provide a soft backdrop to the front of the screen and effectively obscure its appearance from the rear. This would assist in lessening its visual impact in the street scene.
9. I understand that there are no habitable room windows in the Trinity Edge apartment block facing north on to Trinity Way. For this reason, there would be no harmful visual effect on the living conditions of residents of this apartment block. The proposed screen would be angled away from the nearest windows of the Trinity Court office block and hidden in part by vegetation. Accordingly, I consider there would be little or no effect on the occupiers of these offices.
10. The proposed advertising screen would be positioned roughly at right angles to the City Point apartment block so that there would be an oblique view of it from the windows of the closest apartments facing onto Trinity Way. A larger proportion of the front of the screen would be visible to the residents of City Point further towards the junction with Chapel Street from their windows overlooking Trinity Way and more of the images it displays would be visible, although at a greater distance. However, I consider the screen's angled position in relation to City Point which for residents closer to it would give only an oblique view of its front, coupled with the considerable separation distance from apartment windows further away and the parameters of the level of illumination already referred to would ensure that the effect on visual amenity for the occupiers of apartments in the block would not be harmful. I have also taken into account that the screen would be viewed in the context of a well lit road, with high-level street lamps and the headlights of passing vehicles. Within this environment I consider the illumination of the screen would not be intrusive in the surroundings.

11. I have considered the relevant objections raised by third parties at the application stage. However, loss of value of property and the effect on its saleability, loss of privacy, the implications for the health of nearby residents, and the extent of publicity given to the proposal, are not matters I have taken into account in reaching my decision on this proposal because they are not material planning considerations which are relevant to the determination of this appeal proposal.
12. For the reasons I have already given, I consider there would be no light pollution (subject to control of the maximum illumination at night), and that the screen would not have a detrimental effect on visual amenity.
13. There has been no objection to the proposal from the Council on the grounds it would have an unacceptable effect on public safety in relation to road users and there is no evidence that drivers on Trinity Way and Lamb Lane would be dangerously distracted by images on the screen.
14. I consider that the existing view into St Stephens Gardens from City Point apartments would not be altered to a significant degree given the existing level of screening provided by the vegetation in the verge, which would largely remain in tact. Some vegetation in the roadside verge would be lost as a result of the installation of the screen and its supporting structure but this would not be overly harmful to the visual amenity of the street scene or the area in general.
15. Although there is other signage in the immediate area and another similar LED screen has been erected further north in the verge towards Frederick Street, I consider the proposed screen would not cumulatively lead to an unacceptable proliferation of signs in the area.
16. I have considered the effect of the proposed advertisement screen on the setting of the Grade II listed Independent Church at the junction of Trinity Way and Chapel Street, but I am satisfied that because of the separation distance involved and the screening effect of the vegetation in the highway verge there would be no harm to its setting.
17. The Framework states that advertisements should be subject to control only in the interests of amenity and public safety and so no bat survey has been carried out, nor is one required for such an application. Separate legislation exists in relation to the conservation of bats and their habitats outside of the Planning system.
18. I am aware that the proposal was refused contrary to the officer recommendation, and the Council was entitled to take a different view from its officers. Even so, I have concluded that on the main issue the proposed advertisement screen would not be harmful to the amenity of the area.
19. The appellants have requested that express consent should be granted for a period of seven years rather than the standard five years. However, notwithstanding the apparent high cost of the advertising screen and its installation I do not consider this to be sufficient justification for extending the period of consent by a further two years. I have imposed an additional condition, as suggested by the Council, to ensure that the degree of illumination of the screen at night is at a level which is appropriate for its surroundings.

*C Thomas* INSPECTOR