
Appeal Decision

Site visit made on 4 September 2017

by P Eggleton Bsc(Hons) MRTPI

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

Decision date: 25 September 2017

Appeal Ref: APP/A0665/Z/17/3179368

73 Wharton Road, Winsford, Cheshire CW7 3AD

- 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 Cheshire West and Chester Council.
 - The application Ref 17/01683/ADV, dated 10 April 2017, was refused by notice dated 15 June 2017
 - The proposal is the replacement of five existing advertisements with a single 48-sheet digital LED display.
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Decision

1. The appeal is allowed and express consent for the replacement of five existing advertisements with a single 48-sheet digital LED display as applied for is granted. 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) Prior to the first use of the approved LED display, the existing 5 signs shall be permanently removed. The fencing shall be replaced as illustrated on the approved plan T4156 A3 065 within one month of the first use of the LED display.
 - 2) The advertisement hereby approved shall operate at an illumination level no greater than 300 cd/m².
 - 3) The advertisement hereby approved shall include static images only. The interval between successive images shall be 0.1 seconds or less and the complete screen shall change. There shall be no visual effects between successive images and the display shall include a mechanism to freeze the screen in the event of a malfunction. Each image shall be displayed for at least 10 seconds. Message sequencing or interactive messages shall not be used.

Main Issue

2. The main issue is the effect of the proposal on public safety.

Reasons

3. The proposal would result in a single, 48-sheet equivalent, LED display on the gable of the property. It would replace an existing poster board in a similar position; and four others which are situated on the boundary fence. The

Council are satisfied that this would not result in harm to amenity. I found that it would represent a substantial improvement with regard to the character and appearance of this area given the reduction in the number of large advertisements.

4. The Highway Authority do not support the proposal as it is considered that the regular changes in display, which will take place every ten seconds, would encourage drivers to fix their gaze, either to take in the information before the period expires or in expectation of a new advertisement. The roundabout is considered to be busy and drivers are required to be aware of merging or turning vehicles as well as crossing cyclists and pedestrians. In addition, vehicles leaving onto Wharton Road also have to be aware of the turning movements taking place at the Kingsway junction where forward visibility is somewhat restricted by the steps on Wharton Road.
5. Drivers approaching up the A5018 from Winsford Bridge and crossing the roundabout to exit into Wharton Road would have the clearest and longest views of the new advert. These drivers would however be concentrating on the emergence of traffic turning right after leaving Wharton Road. Visibility of these vehicles is good as there is a clear line of sight up Wharton Road for a significant distance. The advert may attract attention when drivers are about to leave the roundabout into Wharton Road but a single advert, rather than the expanse of different advertising currently in place, is unlikely to be more distracting even with the changing display.
6. Drivers approaching up the A5018 but wishing to turn left have a dedicated lane which is separated from the roundabout traffic. It does not permit merging with other vehicles on Wharton Park Road until a significant distance from the junction. The single advert would be less distracting than the five existing for these drivers but in any event, these road conditions would not be challenging for drivers.
7. Drivers approaching along Wharton Park Road cannot see the adverts, because of the existing vegetation and angle of view, until they are nearing the roundabout. A single display, rather than the array of signs currently in place, would be less noticeable to those drivers. They would in any event, be focused on vehicles arriving from their right. I am not satisfied that those turning right would be distracted to any significant extent by this raised advert to their left. Those turning left into Wharton Road have clear visibility of the carriageway up to the Kingsway junction.
8. Although the junction of Kingsway with Wharton Road adds to the potential for vehicles to back up towards the roundabout, there is a clear view of the junction for approaching drivers. The steps referred to by the Highway Authority limit views up Wharton Road but do not restrict views of movements at this junction. The pedestrian and cycle paths and crossings associated with the roundabout are also clearly visible at all times.
9. The Council and the appellant make reference to a 2015 report relating to electronic billboards. I have not found this to offer particular support to either party's views. The other evidence is limited to the comments made by the Highway Authority. This does not indicate that the existing signs have resulted in increased safety concerns and accident data for this junction has not been provided by them. The appellant has provided this data which indicates that there has been only three accidents in the last 5 years. The information

provided does not suggest that the advertisements had a role to play in these accidents.

10. Paragraph: 068 Reference ID: 18b-068-20140306 of *Planning Practice Guidance* sets out the main types of advertisement which may cause danger to road users. The proposal would not obstruct or impair sight-lines, confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal. The appellant has suggested conditions that would limit the luminance of the signs and control the nature and timing of images to prevent moving images and message sequencing. These conditions would address the particular issues raised in the guidance with regard to LED displays.
11. The guidance advises that advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings or other places where local conditions present traffic hazards. I am not satisfied that this is a junction that presents particular traffic hazards and the limited incidence of accidents supports this view. The proposal would replace the existing array of poster boards and whilst a changing LED display may attract attention for longer, I am not satisfied that it would be more distracting than having drivers viewing five different advertisements. Overall, subject to the removal of the existing adverts, I am satisfied that the proposal would not add to highway or other public safety concerns.
12. The Regulations, the *National Planning Policy Framework* and the *Planning Practice Guidance* require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive. However, reference has been made to Policy BE16 of the Vale Royal Borough Local Plan 2001. This requires that regard be had for public safety, including all forms of transport and pedestrians. I have taken this into account as a material consideration but given my findings, the proposal does not conflict with its objectives.
13. Given my conclusion that the proposal would not materially add to public safety concerns and as it would improve the appearance of the area, I allow the appeal.
14. The Regulations impose five standard conditions. I have also included the additional requirements suggested by the appellant as they relate specifically to LED displays and would be necessary to ensure that safety would be maintained. I have also required that all the existing displays be removed prior to the first use of the proposed LED advertisement as having an LED display in addition to the remaining adverts would add to highway safety concerns.

Peter Eggleton

INSPECTOR