



Appeal Decision

Site visit made on 5 September 2019

by D Child BA BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/Q4245/Z/19/3231754

Land bounded by Barton Dock Road and Mercury Way, Barton Dock Road, Trafford Park M41 7TB

- 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 Mr Richard Osbiston of Regatta Ltd against the decision of Trafford Borough Council.
 - The application Ref 96737/ADV/19, dated 31 January 2019, was refused by notice dated 30 April 2019.
 - The advertisement proposed is 1 no internally illuminated free standing digital advertisement.
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Decision

1. The appeal is dismissed.

Main Issue.

2. The Council did not refuse to grant express consent on highway safety grounds. The main issue is therefore the effect of the proposed digital advertisement on visual amenity.

Reasons

3. The area around the site is commercial in character, containing retail and leisure uses and large buildings. The site is located close to the appellants' headquarters, adjacent to the busy Barton Dock Road at the junction with Mercury Way, between Event City and a hotel to the east of the intu Trafford Centre. Earlier advertisement hoardings have been removed from the site to facilitate the adjacent Metrolink line. The proposed advertisement would be a substantial free-standing LED digital display (the display), supported on poles. Overall, the display would measure 6.2m by 7.6m. The bottom edge would be 2.8m above ground level and the advertisement would show static images.
4. The display would have very little separation between it and the footway of Mercury Way. Although located within a busy commercial area, because of the siting and its scale, I find that the display would be an overbearing visual feature in the pedestrian environment. While it would not have a direct impact on any building, due to its scale, and siting on a prominent corner, the display would be unduly imposing in the street scene. There are two existing large digital advertisement displays in the surrounding area (one on Bright Circle and one on Parkway). However, they are not located next to the footway, and they are set further back from the highway. That being so, their contexts are different, and they do not therefore provide justification for the appeal scheme, which would result in unacceptable harm.

5. The area is not especially open in character, there are no dwellings located near the site, and the appeal advertisement would be located next to a Metrolink Line. Nevertheless, the display would not be a positive addition because it would be harmful to the visual quality of the commercial environment. While not located in an Area of Special Control, or within a Conservation Area, because I have found that it would adversely affect the visual amenity of the neighbourhood of the site, the display would be contrary to Paragraph 79 of the Planning Practice Guidance.
6. Large hoarding signs previously displayed on the site, cumulatively, were larger in overall scale. Although they were approved in the same local policy context, they were set back behind landscaping which has subsequently been removed. As a result of this, the location has changed. Consented signs to the car dealerships nearby are of different designs and are sited differently, and large poster hoardings near the site are set well back from the highway. The presence of these other advertisements and the history of the site do not therefore justify the identified harm.
7. Both main parties have brought to my attention an appeal decision¹. However, the proposal was for advertisements recessed into the façade of a mixed-use building at first floor level, and, in consequence, it is not therefore directly comparable to the appeal.
8. For the above reasons, I conclude that the proposed digital advertisement would be unacceptably harmful to the visual amenity of the area. The proposal would therefore conflict with Paragraph 132 of the National Planning Policy Framework (2019).
9. In accordance with the Regulations², I have taken account of the provisions of the development plan so far as they are material. Of particular relevance is Policy L7 of the Trafford Local Plan Core Strategy (2012). Given I have concluded that the advertisement would harm visual amenity, the proposal would conflict with the visual amenity protection aims of this policy.

Conclusion

10. For the above reasons, I conclude that the appeal should be dismissed.

D Child

INSPECTOR

¹ Appeal Ref: APP/Q4245/H/18/3199382

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007