
Appeal Decision

Site visit made on 4 February 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 08 April 2020

Appeal Ref: APP/V4250/Z/19/3240968

184 Chaddock Lane, Worsley, M28 1DN

- 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 Paul Duncanson against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/19/87696/ADV, dated 26 July 2019, was refused by notice dated 11 October 2019.
 - The advertisement proposed is an LED screen at first floor level of eastern elevation with diffuser.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has drawn my attention to a number of policies and guidance it considers relevant to this appeal and I have taken them into account where relevant. However, the powers to control advertisements under the Regulations¹ may be exercised only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterates this approach.
4. Linked to this, the Council's delegated report refers to policy CP7 of the Wigan Local Plan (September 2013). However, I have not been provided with a copy of this policy. Policy CP17 has been referred to within the decision notice but does not appear to be directly relevant to the control of advertisements as noted above. As such, these policies are not determinative in this case.

Main Issues

5. The main issues are the effect of the advertisement on visual amenity of the area and highway safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons

Visual Amenity

6. The appeal proposal seeks to replace an existing advertisement positioned at first floor level of a two-storey commercial building located on a prominent corner site at the junction of Chaddock Lane (the A572) with East Lancashire Road (the A580).
7. The proposed advertisement would be of a similar scale and positioning to the existing. However, the existing advertisement, a modest sign, consists of fixed, individual lettering depicting the name and details of a company located within the building on which it is fixed. In contrast, the proposed sign would be a substantial rectangular sign approximately 4.6m in length which would display static digital images which would change at 10 second intervals. The sign would be internally illuminated. As such, the substantial changing images would be significantly sharper and brighter than the existing, causing the proposal to be more dominant on the building to which it would be fixed, and more prominent in the street scene.
8. There are some advertisements and fascia signs on commercial premises along this stretch of the A580 and there are also examples of hoardings and smaller advertisements relating to new housing developments and local services. I do not know whether these signs have the benefit of consent. However, all are smaller in scale to the proposal and are non-illuminated and are not therefore directly comparable. As such, given the lack of large, elevated digital advertisements within the immediate locality, the proposed advertisement would be an uncharacteristic feature. Moreover, the sign would not relate to the use of the building and would add to the visual clutter that already exists. Consequently, this proposal, by reason of its design, prominent location and raised positioning on the building, would be a visually intrusive and jarring addition in the street scene.
9. I acknowledge the appellant's point that the wider context of the site comprises man-made infrastructure relating to the highway network. However, such a context in itself does not justify the display of advertisements. Moreover, the immediate context of the site is the modest two-storey building on which it would be sited. As set out above as a result of its size and high-level position the sign would dominate the appearance of that property and would not relate to services provided within.
10. Therefore, for these reasons the proposal would cause significant harm to the visual amenity of the area and would be contrary to policy CP10 of the Wigan Local Plan (September 2013) (the LP) and the guidance within the Advertisements Design Guide Supplementary Planning Guidance (the SPG) which, although not decisive, collectively seek to ensure proposals have regard to and respect the character of the area.

Highway safety

11. The appeal site fronts the busy dual carriageway of the A580. The highway junction immediately adjacent the site is complex, with right turns restricted from all directions on both the A580 and A572. The junction's layout acts as a signalled roundabout, with all drivers approaching the junction who wish to

- turn right or complete a U-turn having to navigate around the junction to the left through two or three sets of traffic lights.
12. At the time of my midweek site visit, I drove the junction from all directions and observed traffic movements, which, at mid-morning, were high. I also observed that the traffic signals changed frequently. Additionally, the highway was used by a variety of vehicles, with a significant number of heavy goods vehicles passing the site. Based on the evidence before me, there is nothing to suggest these observations are unusual given the classification of this highway and the connectivity it provides between Liverpool and Manchester.
 13. Given the positioning of the host building, which is at an angle to the highway, the content of the proposed advertisement would only be readily apparent to drivers approaching the site from the east along the A580 and A572. It is clear from all I have read that it is from this perspective which is of concern to the Council.
 14. Due to the nature of the junction and heavy use of the highway, drivers need to have high levels of concentration to not only ensure they are in the correct lane but also to observe the changing traffic signals. I acknowledge there are a number of highway signs on the approach to the junction along the A580 informing road users of the right turn restriction and therefore which lane is required to navigate the junction. Neither this signage nor the driver's view of the signal heads would be obscured by the proposed sign. Nevertheless, there may still be circumstances where drivers are unfamiliar with the road layout at this busy junction and may have to carry out last minute lane changes. In those circumstances it seems to me that any additional distractions in this locality would not be in the best interest of highway safety.
 15. The speed limit is reduced to 40mph along the A580 approach and 30mph along the A572 approach. I have not been provided with any detail suggesting the required sight stopping distances for both carriageways cannot be achieved. However, the full content of the advertisement would only be fully assimilated once within a close distance to the appeal site, at a point where drivers concentration levels should be highest. Whilst I have taken into account information in the academic studies provided, given that the images on the screen will change frequently, I am unconvinced that information would be fully absorbed quickly. Therefore, even if drivers are well prepared for lane changes and are travelling below the speed limit, the proposed advertisement, due to its raised positioning and design, would be a discordant and overly distracting feature in this part of the highway.
 16. I note the accident data for the appeal junction, which covers a five year period. It has been suggested that the number of accidents within the last five years is low. Be that as it may, a low number of accidents and predicted low accident estimation levels does not necessarily warrant additional distractions in this location. Further, I note that in many of the accidents referred to, vehicles failed to stop for the lights, therefore colliding with another vehicle travelling through the junction. This raises my concern that the junction layout requires high levels of concentration with limited distractions.
 17. It has been suggested that conditions could be imposed, amongst other things to limit luminance levels to reduce the impact of the advertisement on drivers. However, even if it were controlled in this way, I am not persuaded this would reduce the harmful levels of distraction it would cause.

18. Photographs of other digital advertisements adjacent to highways have been submitted in support of this appeal. Whilst I note from the images that they may be substantial installations, it does not seem that they are all positioned adjacent a junction similar to that adjacent to the appeal site. Moreover, I do not know the full circumstances under which they were permitted and as such, I cannot determine whether they are directly comparable to the appeal proposal. In any event I have determined this case on the basis of the particular site circumstances in this instance.
19. Accordingly, for the above reasons, I find that the proposal would result in unacceptable harm to highway safety. In that respect the proposal is contrary to the guidance within the SPG and the Framework which collectively seek to ensure advertisements have regard to and protect public safety.

Other Matters

20. Although I have been provided with limited evidence regarding the matter, I acknowledge that the advertisement could promote economic growth, including as a result of promoting local businesses. However, the content of the advertisements to be displayed is not a matter for me and this limits the weight I can give the matter as a benefit of the scheme. Moreover, as set out above, the power to control advertisements relates only to highway safety and public amenity.

Conclusion and Recommendation

21. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR