
Appeal Decision

Site visit made on 24 February 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 8th April 2020

Appeal Ref: APP/G4240/Z/19/3243014

Land west side of Parkway, Denton, Manchester M34 2GP

- 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 Page (Insite Poster Properties) against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00835/ADV, dated 9 September 2019, was refused by notice dated 28 November 2019.
 - The advertisement proposed is replacement of existing internally illuminated advertising display with internally illuminated digital advertising display.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues are the effect of the advertisement on the amenity of the area and on public safety.

Reasons

Amenity

4. The appeal proposal is an internally illuminated digital advertisement hoarding on the edge of the orbital M60 motorway close to the junction with the M67. There is an existing advertisement close to the proposed site and in addition there is an extant consent for a digital advertisement to replace this. The proposal seeks to install a new advert to the north west of its existing siting. The applicant states that they would accept a condition allowing only one consent to be enacted.
5. The current site of the advertisement is within a car park so is surrounded by hard landscaping. In contrast, the proposed site is within an area of dense trees and shrubs, some of which would be required to be removed. The green landscaping acts as an important green buffer to the surrounding hard landscaping of the motorway, an overhead bridge, and the car park and office buildings to the south east, and removal of this established landscaping would

cause harm to the character and appearance of the area. Furthermore, the illuminated nature of the proposal would appear incongruous and out of place against the remaining landscaped banking, reducing the softening effect of the residual greenery.

6. I note that the appellant has indicated that they are prepared to implement a landscaping scheme to replace vegetation that would be removed during the construction. However, this would not replace the area of vegetation that would need to be removed to allow the installation of the sign and would not mitigate against the damage that the proposal would cause to the overall amenity value of the landscaped bank, when considered as a whole.
7. For the above reasons I therefore conclude that the advertisement would have a harmful effect on the amenity of the area. The Council have drawn my attention to Policy C1 of Tameside Unitary Development Plan 2004 (UDP) which they consider to be relevant to this appeal. Powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require decisions to be made only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterate this approach. I have therefore taken Policy C1 of the UDP into account insofar as it is relevant to those matters as a material consideration, but it is not a determining factor in this case which I have considered in the light of the Regulations. The proposal would be contrary to paragraph 132 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited.

Public safety

8. Highways England note the unusual positioning of the proposed advertisement, which would be sited to attract the attention of drivers and passengers heading north along the M60 but would be sited across the southbound carriageway from such drivers. This would lead to the eyesight of drivers being attracted across the opposite carriageway when they would normally be concentrating on the road ahead and behind them. At the location of the sign, a two-lane slip road splits off from the northbound carriageway as part of junction 24 of the motorway. Consequently, motorist's attention is required even more than usual to be on the road ahead, assessing the behaviour of other drivers when some may be leaving the motorway. The sign would have the potential to attract the eyesight of drivers away from this section of the motorway, causing harm to highway safety.
9. Such an effect would be exasperated by the intermittent change to the illuminated display (every 10 seconds), which would further draw the eye at a fairly important section of the road network, where driver's sole attention is required to be on the road around them.
10. The existing advertisement is also located on the opposite side of the carriageway to the northbound traffic. The appellant considers that it is not unnatural to take in views of the immediate and wider surroundings when driving and that the proposal would remain in a driver's main field of view for longer, likely resulting in less of an unnatural overlook of the adjacent carriageway, potentially offering minor improvements to highway safety. However, in my view the siting of the existing advert, roughly at right angles to

the motorway allows for a longer view of the advert than the angled positioning that the proposal seeks.

11. The appellant states that there have been no recorded reports of drivers being distracted by the current advertisement, noting also that this is brighter than the proposal would be. However, be that as it may, I am of the view that the siting and positioning of the proposed advertisement would cause harm to highway safety.
12. I note in the evidence examples of approved advertisements close to motorways and main roads. Of these Trafford and Salford Arches appear to be set in a more slow moving highway environment and are located directly in the field of vision, and the M602, Trinity Way and M25 examples are located on the same side of the road as the traffic it seeks to influence. The Edinburgh example is also set above the direction of travel. Moreover, each case must be considered on its own merits.
13. For the reasons set out above the advertisement would have a harmful effect on public safety. The proposal would be contrary to the Regulations and the Framework.

Other Matters

14. I note the appellant's view that they intend to install the extant scheme as a fallback scheme. Above I have considered that the proposal in this case would cause more harm than the fallback scheme.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Jon Hockley

INSPECTOR