



Appeal Decision

Site Visit made on 26 May 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/R0660/Z/21/3270923

36 Hurdsfield Road, MACCLESFIELD, SK10 2QJ

- 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 Wildstone Group Limited against the decision of Cheshire East Council.
 - The application Ref 20/4198M, dated 13 July 2020, was refused by notice dated 28 January 2021.
 - The advertisement proposed is upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of existing 48 sheet advert to support digital poster 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 conditions:
 - 1) Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. No images shall be displayed that resemble road signs or traffic lights.
 - 2) The advertisement display will be operational only between the hours of 05:00 and 00:00 and will be turned off outside of those hours.
 - 3) Between dusk and dawn during the hours when the sign is operational, the intensity of luminance of the advertisement permitted by this consent shall be no greater than 300 candela per square metre. At all other times, the intensity of the illumination shall be no greater than 600 candela per square metre.

Main Issues

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

Reasons

3. The proposed digital display would replace a 48-sheet paper hoarding located on the side gable of a residential terrace. The site faces onto the car park of a modern commercial unit, which forms part of a larger employment area along Black Lane.

4. As is the case with the existing sign, the proposed display would be seen primarily by traffic travelling along Hurdsfield Road in an easterly direction, having exited the roundabout with The Silk Road (A523). Approaching from that direction, the character of the area is dominated by main roads and commercial uses. Immediately beyond the appeal site, however, the character changes to become more fine grained, with a wider mix of uses including residential.
5. Bill boards are not a common feature of the surrounding area, although the adjacent employment units and nearby supermarket do have large signs, some of which are illuminated. I note the Council's comment that the existing sign does not have express consent and may have been replaced within the last 10 years, but it is clear that there has been a similar sign on the appeal site for a significant period of time. As such, a sign of this size, in this location, has become an established part of the character of the area.
6. The proposed replacement sign would be no larger than the existing advertisement, but the change to an LED display with changing images would increase its prominence within the streetscene, particularly after dark and in low light conditions. However, the area is already well lit with streetlights and traffic lights, and the proposed controls on the levels of luminance would ensure that the brightness of the sign remained within acceptable limits, in accordance with relevant guidance issued by the Institute of Lighting Professionals.
7. Furthermore, the sign would not be readily visible to traffic travelling in a westerly direction along Hurdsfield Road, and its position on a curve in the road restricts views on the approach from The Silk Road roundabout. Although it would be located on the side of a residential building, the display would not be visible from that, or any other residential properties. The advertisement would only be visible within a fairly restricted area, and would be viewed in the context of surrounding commercial units. As such, the change in format would not have a significant effect on the visual amenity of the wider area.
8. The appellant has confirmed that the sign would be switched off at night (between midnight and 05:00). Given that this area is likely to be darker at that time, with less light from traffic and surrounding commercial uses, this would help to safeguard the night time character of the area.
9. No objections have been raised in terms of the effect of the sign on highway safety, subject to appropriate controls which can be secured by condition.
10. I note comments that the existing sign has caused damage to the building upon which it is located. Whilst this is understandably a matter of concern for the occupiers, it is a separate matter which does not prevent the granting of advertisement consent, for which only matters of amenity and public safety can be taken into account.
11. I conclude that, with suitable controls in place, the proposed sign would not have an unacceptable impact on the amenity of the area. As such, there would be no conflict with paragraph 132 of the National Planning Policy Framework, which notes that the quality and character of places can suffer when advertisements are poorly sited and designed.

12. I have taken into account Saved Policies DC51 and DC52 of the Macclesfield Local Plan, which are concerned with advertisements and so are material in this case. As I have concluded that the proposal would not harm amenity and that the proposed level and form of illumination is acceptable, the proposal does not conflict with either policy.

Conditions

13. Both parties have suggested additional conditions to control the operation of the display. I agree that these controls are necessary in the interests of safeguarding amenity and highway safety, and have imposed them with minor wording changes, including the appellant's suggested condition restricting hours of operation.

Conclusion

14. For the reasons given, the appeal is allowed subject to the conditions.

R Morgan

INSPECTOR