



Appeal Decision

Site Visit made on 18 May 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/V4250/Z/21/3268756

Warrington Road, Wigan WN5 9AL

- 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 Ltd against the decision of Wigan Metropolitan Borough Council.
 - The application Ref A/20/89998/ADV, dated 24 September 2020, was refused by notice dated 22 December 2020.
 - The advertisement proposed is to upgrade 2no. existing advertisement boards with digital LED poster signs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed digital advertisements on the amenity of the area and on public safety.

Reasons

Amenity

3. The appeal site is situated adjacent to the busy junctions of Warrington Road with Atherton Street and Victoria Street. Although the site comprises a grassed area next to housing, the character of the area is in mixed use. There are a number of commercial and retail premises, advertisements and a large amount of street furniture in the vicinity.
4. I appreciate that there is long range visibility of the site from certain directions. However, the proposed digital advertisements would replace two existing externally illuminated advertisement hoardings that are orientated in the same 'V' shape position and are of similar size and scale.
5. The Council contests that there is no record of the existing signs benefitting from a consent and had it had the opportunity to consider an application, the signs may not have been supported. Nonetheless, the appellant states that these have been displayed for around 20 years, and I have no substantive evidence before me to indicate otherwise. I am also mindful that the Council has the powers to serve a discontinuance notice in relation to the existing signs, if they are deemed to cause substantial injury to the visual amenities of the area. However, there is no record before me of the Council having taken this action and I am conscious that the existing signs could therefore remain. I give this factor substantial weight in my decision.

6. The proposed LED poster signs would also be located within an area where street furniture and advertising are not uncommon. In this context, and in light of the factors above, I do not consider that the use of internally illuminated digital displays with changing images would appear incongruous, visually intrusive or out of keeping with the surroundings.
7. I therefore find that the proposed digital advertisements would not cause any material harm to the visual amenity of the area.

Public safety

8. The Council's concerns in respect of public safety relate to the proposed advertisements having the potential to distract road users due to their unusual nature and location at a point where drivers need to take more care.
9. I note that the digital images displayed would be static and two dimensional with no moving or flashing images. The transition between successive advertisements is indicated to be virtually instantaneous with the display rotating every 10 seconds. The appellant also advises that the illumination would be limited to 300cd/sqm at night which would be in accordance with guidance prescribed by the Institute of Lighting Professionals and be a 94% reduction over maximum daylight levels.
10. Nonetheless, given the proximity of the appeal site to the junctions of Warrington Road with Atherton Road and Victoria Street, and the resultant complexity of traffic movements which occur along this section of the highway, I consider this to be one such location where drivers do need to take more care.
11. I appreciate that the proposed signs would be set back from Warrington Road, which is well lit, and that they would not affect sight lines. However, the appeal site is located adjacent to a very busy section of a Key Network Route, in terms of traffic, layout, signage and street furniture. This is a section of the road where drivers are likely to have to make key decisions and to negotiate a number of variables including reading and understanding the directional signage and lane markings, and being aware of the movements of other vehicles around them.
12. Although the display images would be static, they would still be designed to change at regular intervals. A number of trees would also obscure long-distance views of the proposed signs when approaching from the north. Under these circumstances, I consider that the proposed illumination would have the potential to cause further distraction in an already cluttered environment and confuse drivers approaching the junctions. This risk would be materially increased in the hours of darkness and in poor weather conditions when the challenges of making the necessary manoeuvres in a safe manner are likely to be further increased. This would be to the detriment of highway safety.
13. I note that in contrast to the Council's assertions the appellant's crashmap data indicates that there have not been any accidents in the vicinity of the appeal site in the period between 2015-2019. Nonetheless, the lack of recorded accidents is not a persuasive justification to increase the risk of accidents occurring in the future.
14. I am also aware of the appellant's willingness to accept conditions restricting the illumination, the display and transition times, and the use of visual or

special effects between successive displays. However, I do not consider that these would overcome the harm that I have identified above.

15. As such I consider that the introduction of the digital LED advertisement displays with changing images would be so distracting to the users of the highway that they would have an unacceptably adverse effect on public safety.
16. The Council has drawn my attention to Policies and advice contained within Policies CP7 and CP10 of the Wigan Local Plan Core Strategy Development Plan Document 2013 and their Supplementary Planning Guidance entitled 'Advertisements Design Guide'. Whilst I have taken these into account as material considerations, the powers to control advertisements under the regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies have not, themselves, been decisive.

Conclusion

17. I conclude that the proposed digital advertisements would not cause unacceptable harm to the amenity of the area. However, this does not outweigh the significant harm that the proposal would cause to public safety. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR