



Appeal Decision

Site Visit made on 6 July 2021

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021

Appeal Ref: APP/U4230/H/21/3271715

South of Railway Bridge, Trinity Way Junction with Hampson Street, Manchester M3 4PU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
- The appeal is made by Mr Matt Swindles, Global against the decision of Salford City Council.
- The application Ref 20/76551/ADV, dated 3 December 2020, was approved on 28 January 2021 and express consent was granted for the display of an advertisement subject to conditions.
- The advertisement permitted is conversion of 2no. Poster Panels to internally illuminated Digital Poster Panels.
- The condition in dispute are No 3 which state that: *'The maximum level of luminance of the sign(s) hereby permitted shall not exceed the following values:*

Illuminated Area	Luminance cd/m ²
More than 10sq.m	600
Less than 10sq.m	300

The illumination shall consist of static lighting and static images only. Changes between adverts shall be instant only with no sequencing, fading, swiping or merging of images. Adverts shall not change more frequently than once every ten seconds.'
- The reason given for the condition was: *'To protect the amenity of neighbouring occupiers and the character of the area in accordance with policy DEV2 of the City of Salford Unitary Development Plan'.*

Decision

1. The appeal is allowed and the advertisement consent Ref 20/76551/ADV for conversion of 2no. Poster Panels to internally illuminated Digital Poster Panels at South of Railway Bridge, Trinity Way Junction with Hampson Street, Manchester M3 4PU granted on 28 January 2021 by Salford City Council is varied by deleting condition 3 and substituting it for the following condition:
 - 1) The maximum level of luminance of the sign(s) hereby permitted shall not exceed the relevant thresholds contained within the Institute of Lighting Professionals (ILP) guidance document "PLG05 - The Brightness of Illuminated Advertisements" or any guidance updating or replacing it and shall never exceed the following values:

Illuminated Area	Luminance cd/m ²
More than 10sq.m	300 (sunset to sunrise); 3000 (sunrise to sunset)
Less than 10sq.m	600 (sunset to sunrise); 3000 (sunrise to sunset)

The illumination shall consist of static lighting and static images only. Changes between adverts shall be instant only with no sequencing, fading, swiping or merging of images. Adverts shall not change more frequently than once every ten seconds.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.
3. The Regulations¹ require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance reiterate this approach. I have taken account of the policies the Council considers to be relevant to this appeal insofar as they relate to amenity and public safety.

Background and Main Issues

4. Advertisement Consent was granted for the upgrade and replacement of existing hoardings with internally illuminated digital static display, subject to various conditions, including condition (3) which sets out what the illuminated area and luminance cd/m² should be.
5. The appellant objects to the condition, as the wording of the condition has the effect of restricting luminance to below 300 cd/m² not just at night-time but also during the day. They contend that it would be contrary to the Institution of Lighting Professionals (ILP) guidance and would prevent the screen being visible during the daytime.
6. From the evidence before me, it indicates that the Council, following several comments regarding their standard advertisement conditions relating to luminance, investigated the matter. The Council confirms they have discussed the matter with the ILP in February 2021 and the 'standard condition' has been refreshed. The Council acknowledges that the granted advertisement consent, and subsequent appeal relates to the previous 'standard condition'.
7. The main issues, therefore, are the effect that varying the condition would have on visual amenity and highway safety.

Reasons

Amenity

8. The appeal site is located on the mainline railway bridge located at Trinity Way where existing mounted advertisement boards currently exist on the southern side of the bridge. The surrounding area is characterised by a mix of residential and commercial uses, with the nearest apartment blocks of Wilburn Basin being some 40m distance away.
9. The Council have indicated that only part of the railway bridge, towards the east end of the railway bridge/viaduct crossing at the River Irwell is Grade I Listed. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the decision maker

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

to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

10. In granting the consent, the Council concluded that the advertisements would preserve the setting and significance of the aforementioned listed building as there would be '*no greater harm to the setting/character*'. Based on my site visit, which also included a consideration of the location, viewpoints, embankment and that there are already existing mounted adverts along the railway bridge. I have no reason to disagree with the Council in respect of this matter in terms of visual amenity, and it is a matter of neutral consequence.
11. Due to the positioning of both advertisements they would be particularly visible from both pedestrians and vehicles travelling along Trinity Way and viewed from the junction with Hampson Street. However, there are existing hoardings in place, and these would be replaced with the proposed poster panels, being the same size in height and width, with a smaller depth. Moreover, it was apparent that it was an established feature and not uncommon for advertisements, including digital panels within the locality as there were a variety of advertisements and signage within the immediate vicinity of the appeal site and wider area. Neither, would they result in any over proliferation of signage in the area.
12. Although the advertisements would be of a static nature, their display would be on rotation for multiple adverts. The digital format and method of illumination would obviously make them more visually prominent than the existing. It is therefore necessary in the interests of visual amenity that the frequency with which the digital advertisements change is controlled by condition and, I find it is reasonable that this should be for no more than once every ten seconds.
13. The appellant has drawn my attention to the extract from the ILP, Professional Lighting Guide 05 (PLG05), relating to the brightness of illuminated advertisements. The table 4 at section 8 recommends the maximum value of luminance anywhere on the surface of an advertisement at any time during the night. This is based on the illuminated area m² and zone definitions set out in table 3, section 7. It would appear that condition (3) as imposed, is based on those figures related to Zone E3/E4, being suburban/urban zones of medium to high district brightness, thus being maximum levels for night-time durations.
14. The ILP guidance, includes that during the daytime sign luminance should never exceed 5,000 cdm² and, those that may be effective during the day are likely to exceed the night-time luminance limits. A system should be required to control luminance throughout the year, imposes a limit on the maximum luminance and time of operations, be easy to understand, interpret, apply and enforce within the present Regulations.
15. Consequently, I find that a condition is necessary and reasonable to control luminance levels of the advertisements, having regard to visual amenity. However, the imposed condition (3) would not be in accordance with the advice set out by the IPL and would unduly restrict the advertisements during the daytime. As such, I am satisfied that amended levels of luminance which have been put forward, is reasonable, precise and enforceable to include consideration of both day and night-time levels. It would comply with Saved Policy DEV2, of the City of Salford, Unitary Development Plan, 2004-2016

(UDP) in so far as that policy seeks that the display of advertisements would not have an unacceptable impact on amenity.

Public Safety

16. Given that the approved advertisements would be fixed to the railway bridge, there would be no obstruction to the highway or adjoining pedestrian walkways. The advertisements would also be of a static display and, I note that the Council's highways have raised no objections subject to the advertisements complying with the ILP Guidelines by suitably worded conditions. As such, there would be no harm to public safety. There would be no conflict with Saved Policy DEV2 of the UDP, relating to having an unacceptable impact on public safety.

Conclusion

17. For the reasons given above, I find that the condition is necessary, in the interests of amenity and public safety to control the maximum illuminance levels and the frequency of the display by condition. However, on the basis of the evidence before me, as set out above, it is not necessary to restrict the levels of the illuminance to the degree, which has been set out in condition (3) for both day and night-time. In this regard, the proposed variation of the condition would be reasonable.
18. Accordingly, I conclude that the appeal should be allowed, and I have varied the original advertisement consent by deleting the disputed condition and substituting it as set out in my formal decision.

KA Taylor

INSPECTOR