



Appeal Decision

Site Visit made on 10 August 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/T4210/Z/21/3274121

134 Rochdale Road, Bury BL9 7BD

- 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 Clear Channel UK Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 66653, dated 2 February 2021, was refused by notice dated 26 April 2021.
 - The advertisement proposed is Installation of D-Poster display (6m x 3m) to flank wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the Council's decision a revised version of the National Planning Policy Framework (the Framework) has been issued which is a material consideration in decisions for advertisement consent. I have sought the further comments of the main parties and I have had due regard to the revised Framework and their representations in my determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed advertisement display on highway safety.

Reasons

4. The proposed siting of the digital display would be set on the upper side wall of a two-storey building positioned close to the back of the footway on Rochdale Road. The side elevation addresses a parking area at the junction of Rochdale Road (A58) with Heywood Street (B6219). The adjacent wide crossroad box-junction serving those roads and Bond Street (B6219) is signal controlled by traffic lights.
5. The position of the proposed digital display would be such that it would be most prominently observed along the Rochdale Road corridor on approach to the site from the west. At the junction, the eastbound carriageway is split into three lanes, including a dedicated right turn lane. The stop line on the eastbound carriageway is situated some distance from the line of the traversing B6219 and there is clear space beyond the initial traffic light signals either side of the lanes before the box junction markings. The intervening area could accommodate a number of vehicles waiting to turn right or those intending to continue along Rochdale Road but facing static traffic beyond the box junction.

6. A further traffic signal facing the eastbound traffic is located on the pavement adjacent to the proposed display on the westbound side of the road. The signal is set a short distance forward of the of the building's side elevation. Once highway users travelling eastward have passed the initial stop line signals, this signal is the primary traffic light informing drivers of the junction status. There is no right filter phase in the traffic signalling for traffic on Rochdale Road, which is straight, level and subject to a 30mph speed limit in the locality.
7. The height of the traffic signal would overlap with the lower section of the display. In views from the majority of the waiting area between the initial eastbound signals and the box restriction, the signal would be seen against the backdrop of the display. Although this is similar to the existing situation where the signal is seen against a 48-sheet poster display, the proposal would be distinct in that it would accommodate changing LED images up to every 10 seconds.
8. Despite that the individual displays would be static with no flashing, animated or moving imagery, potential to cause losses of contrast and clear definition in views of the signals would exist. This would be particularly so if the individual advertisement were displaying similar colours to the signal lights or the encasement of the signal head, or, if the image was changing at the instant a driver is looking to the signal. Furthermore, against the scale of the lit display, the signal head would be somewhat visually 'consumed' by the proposal. This would reduce the clarity of the signal and be retrograde to highway safety at a busy junction serving a major route.
9. I recognise that the brightness of the display could be controlled, automatically adjust to ambient light levels and be reduced during night-time hours. However, this would not overcome the potential effects identified.
10. In support of the proposal, the appellant refers me to schemes for digital advertising allowed by the Council elsewhere. However, there is little evidence to demonstrate that those displays conflict with nearby traffic signals and therefore I am unable to draw comparisons with those cases. The appellant also states that the local accident record indicates only one accident was recorded in sight of the existing advertisement. However, this does not account for the proposed development and, at the time of my site inspection, the existing display was unlit and static. It is therefore distinct from the proposal before me, a case I have considered on its own merits.
11. I acknowledge that pursuant to Paragraphs 55 and 56 of the revised Framework matters of illumination and frequency of changes limited to static images could be controlled by planning conditions. However, in order to overcome the harm identified, I find that a restriction on the use of display colours or the blanking out of that part of the display against which the signal head would be seen would fail to meet the tests of reasonableness or enforceability in the particular circumstances of a proposal for a 6x3m display.

Other Matters

12. I acknowledge that the use of digital displays can be remotely controlled and operated to provide flexibility and reduce trip generation. They have a modern appearance and the proposal would assimilate in an area of commercial development. Furthermore, they can contribute to economic activity. However,

these matters do not alter my findings or overcome the harm I have identified in respect of highway safety.

Conclusion

13. I have taken into account the provisions of the development plan insofar as they are relevant, in accordance with the Regulations. I have had regard to saved Policies EN1/9 and HT2 of the Bury Unitary Development Plan [1997] as they seek to protect public safety, use of transport and improve road safety, which of the policies referred to me are the most relevant. I have also had regard to paragraph 136 of the Framework. Having found that the proposal would cause harm to highway safety, the proposal conflicts with those policies.
14. For the above reasons, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR