



Appeal Decision

Site visit made on 10 August 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/Q4245/Z/21/3273654
28 – 30 Talbot Road, Stretford M16 0PF

- 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 Estates Limited against the decision of Trafford Council.
 - The application Ref 102968/ADV/20 dated 11 December 2020 was refused by notice dated 23 March 2021.
 - The advertisement proposed is to display a new digital screen sign showing static advertisements on rotation.
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Decision

1. The appeal is allowed and express consent is granted to display a new digital screen sign showing static advertisements on rotation at 28 – 30 Talbot Road, Stretford M16 0PF. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹ and the following additional conditions:
 1. The intensity of the illuminance of the advertisement shall be no greater than 300 candela/square metre during hours of darkness and no greater than 600 candela/square metre during the hours of brightness.
 2. The display shall not change more than once every 10 seconds and the use of message sequencing for the same product is prohibited.
 3. There shall be no special effects (including moving images, animation, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.
 4. The interval between successive displays shall be instantaneous (0.1 seconds or less), the complete screen shall change, there shall be no visual effects (including fading, swiping or other animated transition methods) between successive displays.
 5. The display shall contain at all times a feature that will turn off the screen in the event that the display experiences a malfunction or error.

Procedural Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national

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

policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issue

3. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

4. The appeal site is a boundary wall directly adjacent to the blank elevation of a bingo hall. The wider plot comprises a car park and Victorian villa style building with modern extension and a sign denoting its use as a pub. While an advertisement was previously displayed, this was of different positioning and illumination to the proposal and no longer forms part of the site. The area is commercial, with a range of units and associated signage, including two digital advertisement displays on the opposite side of Talbot Road.
5. The advert would be a digital full colour display. Due to its orientation, views would be experienced travelling east along Talbot Road, but the winding road and shrubbery ensure such views would not be far reaching. While the advert would be a prominent addition at the site, experienced against the backdrop of the sizeable elevation of the bingo hall and close to similarly scaled digital displays, it would not appear unduly dominant or obtrusive in context.
6. Although the advertisement would be internally illuminated and display different images on rotation, it would not comprise any moving images or flashing lights. The rate of image change and brightness would also be in line with industry standard. Furthermore, given the existing level of illumination in the surroundings by virtue of the nearby digital displays and streetlighting, its illumination would not read as alien or visually intrusive in the immediate area.
7. The parties agree that the neighbouring pub is a non-designated heritage asset (NDHA). Reference is made to the emerging Civic Quarter Area Action Plan (AAP) and associated heritage assessment, of which I have been provided a draft extract. While limited weight can be attached to draft documents, it is clear the NDHA's significance is derived from its origins as a residential Victorian villa. Its significance is therefore reduced by the modern additions to the building, and the signage and car parking area denoting a commercial use.
8. Similarly, any historic setting of the NDHA is heavily restricted by the surrounding modern, urban environment. The asset is experienced among a range of contemporary business units and prominent signs. Such signage may differ from the proposal in illumination and orientation but nonetheless informs the immediate character. In this context, while the proposed advert would be read alongside the NDHA, it would visually relate to and take account of the predominant surrounding character. On balance, its introduction would have a neutral impact on both the significance and setting of the NDHA. It would not harm the overall visual amenity of the surrounds.
9. For the reasons given above I therefore find that the proposal would not have a harmful effect on the visual amenity of the area. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with Policies L7 and R1 of the Core Strategy or the SPG.

Other Matters

10. An interested party has raised the possibility of deemed consent after the five year period. I have no firm evidence that the advert would be likely to be unacceptable after this period and attach limited weight to this. While reference has been made to the area being promoted for residential use in the AAP, the AAP has not yet been adopted and limited weight is attached to this matter.
11. It has been argued that there is no economic benefit to the proposal. However, adverts are subject to control only in the interests of amenity or public safety. There is no indication that economic benefits should be considered. I also note the concerns about candela level, but this is addressed via a condition which reflects the guidance of the Institution of Lighting Professionals.
12. Although comments were received about public safety implications, this was not a concern for the Council or its Highways Authority. From my assessment and observations on site, I have no reason to disagree.
13. A condition has been suggested in the interests of the visual amenity and character of the Empress Conservation Area (the CA). However, from the wider evidence it is clear that the appeal site is not located within the CA.

Conditions

14. In addition to the five standard conditions in the Regulations a number of conditions have been suggested, which I have considered. A time period with a specified end date has been proposed but no specific reason for this is given. I am content the consent should be for five years as set out in the Regulations.
15. I have considered it necessary in the interests of amenity to impose a condition that the advertisement should operate at an illumination level no greater than 300 cd/square metre at night or 600 cd/square metre during the day in the interests of amenity, which reflects the guidance of the Institution of Lighting Professionals, Professional Lighting Guide 2015. I also consider it necessary in the interests of amenity to impose conditions that the display shall not change at a frequency of more than once every 10 seconds, message sequencing for the same product shall be prohibited and that the interval between successive displays should be instantaneous. No moving or apparently moving images should be displayed, and the screen should automatically switch off in the case of a malfunction, again in the interests of amenity.

Conclusions

16. Having had regard to all matters raised, the appeal should be allowed and express consent granted to display a new digital screen sign showing static advertisements on rotation at 28 – 30 Talbot Road, Stretford M16 0PF subject to the conditions set out at paragraph 1 of this decision.

C Rafferty

INSPECTOR