



Appeal Decision

Site visit made on 2 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/A0665/Z/21/3286547

Advertising Right Signways 5198, adjacent 1 Wharton Road, Winsford CW7 3AA

- 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 Cheshire West and Chester Council.
 - The application Ref 21/01906/ADV, dated 22 April 2021, was refused by notice dated 15 September 2021.
 - The advertisement proposed is the upgrade of existing 48 sheet adverts 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 adverts to support digital poster at Advertising Right Signways 5198, adjacent 1 Wharton Road, Winsford CW7 3AA in accordance with the terms of the application, Ref 21/01906/ADV, dated 22 April 2021, subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The level of illumination of each advertisement display shall be no greater than 300 candelas per square metre during the hours of darkness and 600 candelas per square metre at all other times.
 - 2) The advertisement displays shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
 - 3) The advertisement displays shall have a default mechanism to turn off or display a black screen in the event of any malfunction.
 - 4) The individual advertisements shall contain no moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
 - 5) The minimum display time for any advertisements shall be 10 seconds and the change between advertisements shall be instantaneous.

Preliminary Matters

2. In accordance with the National Planning Policy Framework (the Framework) and the Regulations¹, my consideration of this appeal is confined to the issues of visual amenity and public safety, taking into account the provisions of the development plan so far as they are material and any other relevant factors.

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

Main Issues

3. The effect of the proposal on the visual amenity of the area and public safety.

Reasons

4. The appeal site is a narrow parcel of land on the north side of Wharton Road adjacent to a cluster of built form. The evidence before me indicates that the site previously comprised three sheet advertisements which were in place for over 10 years. At the time of my site visit they had been removed. Nevertheless, the proposal seeks to replace the three former advertisements with two digital advertisements, both of which would display internally illuminated, static images.

Visual Amenity

5. The proposed advertisements would be readily apparent in the immediate vicinity. However, the highway is wide and well-lit in this location, and they would sit comfortably with and close to the adjacent buildings which have a commercial appearance. The advertisements would not encroach onto the adjacent parcel of land thus would not detract from the vegetation along the immediate stretch of highway, which would continue to feature prominently in the street scene.
6. I note that the advertisements have been located here for several years and there are further poster advertisements close to the roundabout to the east of the appeal site. Therefore, they are a feature in the locality. Furthermore, the proposal would see a reduction in overall advertisements at the appeal site thus reducing visual clutter.
7. Accordingly, the proposal would not harm the visual amenity of the area. Although not decisive, it would accord with Policies DM 3 and DM 17 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (the CWCLP2) and the Framework in so far as they seek to respect the character and visual amenity of the area. Policy CH 6 is referenced within the Council's decision notice however it relates to Chester.

Public Safety

8. The proposed south-west facing advertisement would face toward drivers who had just joined Wharton Road from the roundabout. It would be viewed largely in association with the adjacent properties and at an early point on joining Wharton Road when the carriageway is a single lane. This advertisement could be fully assimilated before drivers would have to make a decision regarding their lane choice.
9. The east facing advertisement would be visible to drivers as soon as they leave the roundabout to the east and begin their descent down Wharton Road. This is a straight stretch of the carriageway where speeds are low and drivers would likely be braking to take into account the approaching junction and the steep gradient of the highway. Drivers would have a considerable length of time to view the advertisement and make their required lane changes before approaching the adjacent junction.
10. I acknowledge that the digital nature of the proposed advertisements may cause drivers to glance towards it before and after a change in the display.

However, for the reasons noted, along with conditions which could be attached to the consent to appropriately control the rate of change of advertisements, I consider that the proposal would not cause a significant or lengthy distraction to highway users.

11. I note the Council's concern regarding the potential inappropriateness of the advertisements displaying public health/emergency information however there are no mechanisms which would ensure they would not be used for this purpose. Nevertheless, given the above, I do not consider that this type of advertisement would raise considerable highway safety concerns.
12. Consequently, the proposal would not harm public safety and, in so far as they are material, would accord with Policy STRAT 10 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies, Policy DM 17 of the CWCLP2 and the Framework which collectively seek to ensure that developments do not cause unacceptable harm to public safety.

Conditions

13. The main parties have suggested conditions relating to the control of illumination, moving images and the frequency with which the displays can change. In the interests of visual amenity and public safety I consider such conditions to be necessary. I have undertaken some minor editing of the suggested conditions where required.

Conclusion

14. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

H Ellison
INSPECTOR