
Appeal Decision

Site visit made on 6 April 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST April 2022

Appeal Ref. APP/V4250/Z/22/3290539
104-108 Wallgate, Wigan WN3 4AB

- 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 Mr Fatima Mirza against the decision of Wigan Metropolitan Borough Council.
 - The application ref. A/21/92420/ADV, dated 17 September 2021, was refused by notice dated 5 January 2022.
 - The advertisement proposed is "1no internally illuminated SMD LED Digital Display".
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Decision

1. The appeal is allowed and express consent is granted for the display of "1no internally illuminated SMD LED Digital Display" as applied for. The consent is for 5 years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following additional conditions:
 - 1) The maximum luminance of the advertisements to be displayed on the panel shall not exceed 300 candelas per square metre during the hours of darkness and 600 candelas per square metre at all other times.
 - 2) The advertisement display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
 - 3) The advertisement display 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.

Procedural points

2. Under the above Regulations powers to control advertisements are to be exercised in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material and any other relevant factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

3. Express consent was refused to display an internally illuminated digital display hoarding on the gable elevation of 104-108 Wallgate in March 2019. A subsequent appeal was dismissed in July 2019. That scheme was evidently for a large display unit to be fixed at a high level to the gable of the building, rather than the smaller free-standing unit set at an overall lower height in the adjacent car park associated with that commercial building as now proposed. I have noted that case and the fact that it attracted no highway/public safety objections from any party. Still, I have decided the appeal scheme before me on its own merits.

Main issues

4. The main issues are the effects of the proposed advertisement display upon the amenity of the site and its surroundings and upon public safety.

Reasons

Amenity

5. The appeal site does not fall within any designated heritage area and its surroundings are not characterized by the presence of any important buildings or features of obvious scenic, historic, architectural, cultural or similar interest.
6. The proposed advertisement display would stand adjacent to the host 3-storey commercial building's south-western flank wall which faces onto the junction between Great George Street and Wallgate. It would be noticeable from various public vantage points along Wallgate but only when approaching along it from the south-west. Although for planning policy purposes, the actual site for the sign might be on land "*Unallocated within the defined Urban Area*", the display would take its place next to a busy and predominantly commercial and industrial employment area, variously characterized by showrooms, a car dealership, a car parts distributor, a storage business, an equipment hire outlet, a brewery, a taxi cab office and railway infrastructure (embankment, railway bridge and arches) associated with Wigan North Western train station. Unsurprisingly, there are many advertisements of various designs, forms and heights along Wallgate.
7. The site is also situated on the edge of Wigan town centre and this is consistent with my description of the mix of uses in this highly urbanised immediate neighbourhood set out in the above paragraph. Moreover, Wallgate, which merges into Queen Street further to the east, has the character of being a primary inner ring road skirting the edge of the town centre. Being within the commercial area of a major conurbation where there are large buildings and main highways gives this locality a character which the PPG identifies as likely to be a suitable location for large poster-hoardings.
8. Indeed, this would not be the neighbourhood's first digital free-standing display. The appellant points to a far larger display a short distance away at the side of Queen Street. I am reluctant to attach any great weight to that other display as I do not know the full circumstances about how it came to be where it is. Even if that other display was disregarded, the appeal scheme would not form an alien or incongruous feature given the nature of the road and the existing signage along the Wallgate corridor. Rather, its contemporary design would make a complementary and positive contribution to some of the regeneration development that has evidently occurred along Wallgate in recent times. The rear of the display would not be obviously visible from public vantage points. Given its rather modest width, surface area and height (the top being 5.55 m above ground level, not 7.55 m as stated by the Council) for displays of this

type, it would not appear out of scale to passing pedestrians. The adjacent 3-storey building would be unaffected and remain the dominant feature in the street scene. These outcomes would not be inconsistent with the Council's guidance on free-standing hoardings in its Advertisements Design Guide (ADG).

9. The proposed sign would have a reasonably long range of visibility along Wallgate but this would be more to do with the straight alignment of Wallgate than the design, size and location of the sign. Going not much higher than the top of the first floor level in the adjacent building and with a backdrop of the railway embankment and the vegetation close to the top of it, the display would not appear unduly elevated or prominent or cause such a degree of visual intrusion into the Wallgate street scene as to warrant withholding express consent. The brightness and illumination of the sign would be controlled by an ambient light sensor system to recognised industry standards and the rotational nature of the advertisements to be displayed would be well measured. The amenity of the area would not be harmed by these aspects and suitable conditions can be imposed to further protect amenity which I turn to in paragraph 17 below.
10. Given the sharp bend in the road as Wallgate merges into Queen Street, the display would not be visually linked with the digital display in Queen Street. The only direct and obvious visual link would be to the ground floor fascia sign in the gable end of the adjoining commercial building advertising a property agency inside. Thus, it would not become part of a critical mass of advertisements that results in harmful visual clutter.
11. I find that the proposed advertisement display would not harm the amenity of the site and its surroundings. Although not decisive, the scheme would meet the design criteria within Policy CP 10 of the Wigan Local Plan Core Strategy (CS) and would not go against the advice given in paragraph 136 of the Framework.

Public safety

12. The Council's Traffic Group, who objected to this application, refers to the Design Manual for Roads and Bridges. However, I consider that the PPG is the principal and most relevant source of national advice on advertisements and public safety. The PPG says that all advertisements are intended to attract attention but those proposed at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if, amongst other things, the sign is on a site within a commercial or industrial locality as is evidently the case here.
13. This section of Wallgate is part of a Key Route Network, is currently undergoing layout and safety improvements chiefly for the segregation of pedestrians and cyclists and is likely to be relatively busy with traffic throughout the day and into the evening. Still, I did not find the traffic movements along it to be confusing or difficult or to require an excessive degree of concentration. Apart from the traffic merging into Wallgate from Caroline Street, most of the vehicle drivers moving towards the sign from the south-west would be likely to have been aware of its existence for some considerable time given the long approach along Wallgate and the relatively slow traffic speeds. This type of signage should no longer be viewed as being wholly unusual in nature, even if I was to disregard the existence of the larger digital display around the corner on Queen Street. It would not come as a surprise or unduly distract drivers from the highway layout,

any speed limit changes and warning signs such as for the weight restriction for the weak railway bridge or increase the risks to pedestrians at nearby crossings or reduce the effectiveness of any traffic signal for any reason.

14. Moreover, I saw that the signal-controlled junctions on Wallgate next to its junction with Great George Street and further north under the railway bridge in the vicinity of the appeal site control traffic very well and are not especially complex. No data relating to accidents or damage to the railway bridge has been presented to demonstrate otherwise. Those exiting from under the railway bridge would have no sight of the proposed sign. In the case of the former junction, drivers have 3 simple choices: immediately merging into Great George Street without encountering any conflicting traffic movements as it is a one-way street; going ahead to fork left under the railway bridge, which is some distance away, towards the railway stations and town centre; or continuing their route around the town centre by going ahead around the bend onto Queen Street. The vast majority of drivers I witnessed, over a lengthy period of time during the middle of the day, follow that latter option and there is nothing complicated about it.
15. I have noted the in-built mechanisms which would control the operation and brightness of the digital images and suitable conditions can be imposed to further protect public safety which I turn to in paragraph 17 below.
16. I have only been able to attach very limited weight to the papers by Brunel University, Wallace and Crundall as referred to by the Council's Traffic Group. These papers may have influenced the cautious approach taken. However, those papers have not been put before me and they do not form part of national or development plan policy. The information reported does not indicate whether illuminated advertisements are more distracting than non-illuminated displays. Some of the research appears to have involved high speed roads which would not apply to the appeal site. They and no other matter presented dissuades me from my finding that the proposed advertisement display would not pose an unacceptable risk to public safety. Although not decisive, as the scheme would not have an unacceptable impact upon highway safety, there would be no conflict with CS Policy CP 7 or the Framework.

Conditions

17. The Council has suggested in the questionnaire that no other conditions other than the 5 standard conditions should be imposed in the event of the appeal succeeding. However, the appellant is willing to accept controls over illumination levels, advert duration and images that resemble road signs or traffic signals and other sensible restrictions. The 5 additional conditions I have imposed in the interests of amenity and public safety are, in my experience, now commonplace for this type of digital display and should not come as a surprise to any party.

Conclusion

18. Having regard to all other matters raised in the written material before me, I have reached the conclusion that the appeal should be allowed.

Andrew Dale

INSPECTOR