

Appeal Decision

Site visit made on 4 May 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/N4205/H/21/3283522

207 Halliwell Road, Bolton BL1 3NT

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
- The appeal is made by Mr Graeme Hughes of Alight Media against Bolton Metropolitan Borough Council.
- The application Ref: 10506/21 is dated 11 February 2021.
- The advertisement proposed is the replacement of an existing illuminated wall-mounted 48 sheet advertisement with a new 48-sheet sized digital LED advertising unit.

Decision

1. The appeal is allowed and express consent is granted for the display of a 48-sheet digital LED advertising unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the following additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements or equivalent standards set out in a replacement Guide.
 - 2) The minimum display time for each advertisement shall be 10 seconds.
 - 3) The interval between successive displays shall be 0.1 seconds or less and the display screen shall change without visual effects, including fading, swiping or other animated transition methods, between each advertisement.
 - 4) No individual advertisement shall contain any moving or apparently moving images.
 - 5) In the event of a malfunction of some or part of the display screen, the whole of the display panel shall be switched off or revert to a black screen.

Preliminary Matters

2. The appeal is against the Council's failure to determine the application for advertisement consent within the prescribed time limit. The Council has provided a report which states that in its opinion the proposed advertisement would be acceptable. However, this is not a formal determination of the Council as the jurisdiction to determine the application transferred from the Council upon valid receipt of this appeal. Nonetheless, from the evidence before me, it

appears that the Council would have granted consent had it been empowered to do so.

3. In my formal decision I have removed superfluous wording from the description of the proposed advertisement. I am satisfied that this represents a more accurate and succinct description of the proposal.

Main Issues

4. The main issues are the effects of the proposed advertisement on the amenity of the surrounding area and on public safety.

Reasons

Amenity

5. The appeal site is the gable end of a two storey building as part of a parade of commercial properties to the north of Bolton town centre. A static externally illuminated 48-sheet advertisement has been present at the appeal site for a number of years and has recently been removed. The surrounding area includes a number of advertisements that vary considerably in both scale and design.
6. The proposal consists of an internally illuminated digital advertisement unit measuring 6.4 metres by 3.4 metres and positioned 2.5 metres above the ground. Whilst clearly a contemporary iteration of a static advertisement and with a bright LED display, it would be viewed alongside other modern advertisements which characterise the adjacent parade of shops and businesses. Furthermore, it would replace an advertisement of a similar scale.
7. Overall, I consider that the proposal would not appear as an unacceptably strident or incongruous feature and therefore it would not be out of keeping with its surroundings. Accordingly, the proposal would not have an adverse effect on the amenity of the surrounding area.
8. In this regard, the proposal would comply with Policies CG3 and CG4 of Bolton's Core Strategy Development Plan Document, adopted in March 2011, (the Core Strategy) and the associated policies of the Framework which together promote good standards of design and seek to protect amenity.

Public safety

9. The Planning Practice Guidance (PPG) advises that advertisements are intended to attract attention but proposed advertisements 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.
10. The proposed advertisement would be located in close proximity to the mini-roundabout junction where Brownlow Way meets Halliwell Road. It would be particularly visible to approaching northbound traffic. However, this junction is not signalised and is not overly complex for road users to navigate. Whilst the nature of the advertisement has the potential to be a distracting feature, it would not be overly prominent and not include moving elements or animations. The changeover period between advertisements can also be restricted by condition. Therefore, pedestrians and motorists are unlikely to be fixated on or

significantly distracted by the proposed digital display. I also note that the local Highway Authority offers no objection to the proposed advertisement.

11. For these reasons, the proposal would not jeopardise public safety and, therefore, there would be no conflict with Policy S1 of the Core Strategy and the associated provisions of the Framework, which together seek to ensure road safety.

Conditions

12. Advertisement consent is given subject to the five standard conditions set out in the Regulations¹. As these conditions are set out in the Regulations it is not necessary for me to list them in my formal decision, even though they apply to the consent granted.
13. I have considered the list of conditions put forward by the appellant and in the interests of clarity and precision, I have made some minor revisions. Conditions concerning the intensity of the illumination; advertisement frequency; the intervals between advertisements; that the displays shall not contain moving images; and, that the screen shall be switched off or revert to a black screen in the event of malfunction or failure, are necessary in the interests of amenity and public safety.

Conclusion

14. For the reasons given, I conclude that the proposed advertisement would not be detrimental to the amenity of the surrounding area or public safety. Therefore, subject to conditions, the appeal is allowed.

J M Tweddle

INSPECTOR

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