



Appeal Decision

Site visit made on 15 October 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2024

Appeal Ref: APP/U4230/Z/24/3349269

**Advert site at junction of Bentcliffe Way and Gilda Brook Road,
Eccles M50 1ZD**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Salford City Council.
 - The application Ref is PA/2024/0543
 - The advertisement proposed is replacement of two no. poster advertisement displays to one no. D-poster.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the site inspection it was apparent that the location has three existing advertisements. In addition to the two existing poster advertisement displays subject to this appeal there is a freestanding digital advertisement display situated at a right angle to those poster advertisement displays and which has replaced a previous poster advertisement display.

Main Issues

3. The main issues in this appeal are the effect of the proposed digital advertisement display on amenity having regard to the character and appearance of the area, and the effect on public safety.

Reasons

Amenity

4. The proposed digital display would replace the two existing poster displays, thereby reducing visual clutter. Although it would be illuminated, it would be located next to a busy road junction and would have no significant adverse impact on the amenity of any residential properties, or on the locality in general.

Public safety

5. According to the application form, the proposed digital display would have a maximum luminance of 300 cd/m² from dawn to dusk and up to 5,000 cd/m² at all other times, dependent upon the time of day/year and ambient condition. The level of illumination would accord with the Institute of Lighting Professionals' document PLG 05: "The Brightness of Illuminated Advertisements (2023)". Only static images would be shown, with the images changed every 10 seconds.
6. The road junction has multiple lane approaches to a four arm crossroads which also serves cyclists and pedestrians and provides access to a retail park. The junction is busy with an average daily traffic volume of 11,000 vehicles per day. In such a situation drivers have to choose the appropriate lanes and be alert to the various traffic lights.
7. The proposed display would face the road junction and would be visible from sections of Gilda Brook Road and Bentcliffe Way. Traffic entering the junction from the dual carriageway of Gilda Brook Road from the south encounters traffic lights against a backdrop of the existing poster displays. The siting of the proposed 3 metre high by 6 metre wide digital display, situated at around 1.35 metres above the grassed verge area, would result in it being seen by approaching drivers in conjunction with at least one of the traffic light signal heads and primarily by left lane users. I consider that this would cause a significant source of distraction for drivers using this part of the busy junction. There would be the possibility of the illuminated display backdrop diverting attention and causing drivers to miss the changes in traffic signals with potential for conflict with other vehicles, pedestrians and cyclists.
8. Although the proposed digital display would only have static images there would still be potential for distracting approaching drivers as the display changed, albeit with a rapid fade, from one image to another. The appellant's highway consultants have submitted injury accident records for the part of Gilda Brook Road and Bentcliffe Way near the appeal site between June 2019 and May 2024. Five slight injury accidents were recorded, with four locations within an area from which the proposed advertisement would be visible, and with one involving a police vehicle on an emergency call. The 5 year record included the Covid lockdown periods. Overall, from the information provided it is apparent that this part of the junction has not been accident free.
9. I find that the proposal would be detrimental to highway and public safety. The Council has referred to policy A6 of the Salford Local Plan: Development Management Policies and Designations in its reason for refusal. The Regulations require that decisions are only made in the interest of amenity and public safety. Consequently, although I have taken the development plan policy into account as a material consideration, it has not been a decisive factor in my determination of the appeal.

Other Matters

10. The appellant has provided examples of other advertisements granted permission at highway junctions. However, the site conditions differ from those at the appeal site. In the majority of the examples there was no objection from the highway authority, subject to conditions.

11. The appellant has advised that the existing poster panels benefit from deemed consent under Class 14 of Schedule 3 Part 1 of the Advertisement Regulations having previously benefited from express consent. Consent was granted in 2013 for three internally illuminated hoardings. This appeal relates to two of those hoardings. The express consent relates to internally illuminated signs; however, it appears that non-illuminated signs were erected at the appeal site.
12. Condition (e) of the express consent states that: *"No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water, or air, or so as otherwise to render hazardous the use of any highway, waterway (including any coastal waters) or aerodrome; and "the source of illumination of the advertisement hereby granted consent shall NOT be directly visible to users of the public highway"*. No information has been submitted to provide details of the illumination consented, but there is a clear indication that the source of illumination should not be directly visible to highway users. It is likely that the visual impact of the illuminated advertisements as originally consented would be significantly less than from that of a modern digital display as proposed in this appeal, and as subject to an objection by the Highway Authority.
13. The appellant has submitted that there are public benefits from digital advertising including a reduction in vehicle trips and waste involved in poster production, access to displays for local businesses, plus scope for emergency and public messaging.
14. However, I find that none of the above considerations and claimed benefits are sufficient to outweigh the harm to highway and public safety that I have identified from the proposal.

Conclusion

15. For the reasons given above the appeal should be dismissed.

Martin H Seddon

INSPECTOR