



Appeal Decision

Site visit made on 12 November 2024 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2025

Appeal Ref: APP/Q4245/Z/24/3346427

184-186 Cross Street, Sale, Trafford M33 7AG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Paul Hardy, V2 LED LTD against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112972/ADV/24.
 - The development proposed is 'Replacement of existing externally illuminated sign measuring 1.5m tall x 3.5m wide, with internally illuminated LED display measuring 2.8m tall x 1.92m wide.'
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Decision

1. The appeal is allowed and advertisement consent is granted for 'Replacement of existing externally illuminated sign measuring 1.5m tall x 3.5m wide, with internally illuminated LED display measuring 2.8m tall x 1.92m wide' at 184-186 Cross Street, Sale, Trafford M33 7AG. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: CSS1 Site Plan; CSS2 Location Plan; CSS5 Specification Drawings Proposed 1 x 16 sheet.
 - 2) The luminance levels shall be restricted to 300 candelas per square metre during hours of darkness.
 - 3) The screen display shall not contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.
 - 4) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous, with no visual effects including swiping or other animated transition methods between successive displays.
 - 5) The advertisement display screen shall be turned off and/or show a black screen in the event that the display experiences a malfunction or error.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. I have reviewed the changes incorporated into the recently published National Planning Policy Framework (the Framework). I am satisfied that they do not affect the substantive matters of the appeal and proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issue

4. The main issue is the effect of the proposed advertisement on visual amenity.

Reasons for the Recommendation

5. The appeal site is a two-storey building on a busy route through the town. The surrounding area has a mixed commercial and residential character and includes a range of fascia and freestanding signs, some of which are illuminated. The proposed digital advertising screen would replace an existing externally-illuminated advertisement on the side elevation of the building and be visible to those travelling southbound along Cross Street.
6. The streetscape is varied and includes large, modern, functional commercial and residential buildings. The busy character of the road and the high frequency of transport using it, together with the fascia signs and advertisements, all contribute to a distinct vibrancy, within which the existing advertisement does not look out of place.
7. I understand that the existing advertisement was unauthorised, however no evidence of discontinuance action against the advertisement has been submitted and, furthermore, the existing advertisement is now an established part of the street scene.
8. The proposed hoarding would be of a similar size to the existing. The display would show static images that would change at intervals of not less than 10 seconds and the level of illumination could be regulated by condition. Even with its elevated position, I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the well-lit nature of the road and the presence of commercial premises, some of which contain illuminated shopfronts and other illuminated advertising.
9. The previously proposed advertising display, which was refused and dismissed at appeal¹, was for a considerably larger 48-sheet design. The advertisement in the scheme before me would be appropriately positioned on the gable of the appeal property and would not dominate it, unlike the previous proposal.
10. The advertisement would not therefore cause harm to the visual amenity of the area. Insofar as it is material to the main issue, it would thus comply with Policy JP-P1 of the Places For Everyone Joint Development Plan Document (2024) which requires development proposals to respect and acknowledge the character and identity of the locality. The proposal would also comply with the guidance in the Trafford Metropolitan Borough Planning Guidance Advertisements (1995) which suggests that smaller displays are used, which are closer to the scale of the elements which make up a street scene, and that

¹ Planning application ref. 111281/ADV/23; Appeal ref. APP/Q4245/Z/23/3330844

advertisements are not unduly obtrusive and dominant. Furthermore, as the proposed would not cause any harm to visual amenity, the proposal would not be contrary to paragraph 141 of the Framework.

Conditions

11. I have considered the suggested conditions having regard to the tests set out in the Framework and have made changes where necessary for clarity and precision. A condition is necessary, in the interests of certainty, to specify the approved plans. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change.
12. The Council suggested a condition to limit the luminance of the display to 300 candelas per square metre at all times, while the appellant states that the display would be limited to this level during hours of darkness. It has not been demonstrated that any exceedance of 300 candelas per square metre during daylight hours would cause any harm to visual or residential amenity or highway safety and therefore it would not be necessary or reasonable to require such a condition.
13. I referred, in the interests of ensuring there is no confusion to highway users, to the display not containing road signs and that changes are instant and of a fixed frequency as I have explained above. I have also included a condition requiring the display to be turned off and/or show a black screen in the event that it experiences a malfunction or error in the interests of completeness and to further reduce the possibility of distraction.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be allowed, and express consent granted subject to the standard conditions set out in the Regulations and the additional conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis I allow the appeal subject to the standard conditions set out in the Regulations and the additional conditions listed above.

John Morrison

INSPECTOR