
Appeal Decision

Site visit made on 25 June 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/B4215/Z/19/3226645
1200 Rochdale Road, Manchester M9 6FR

- 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 Charles Philips of Tatton Properties against the decision of Manchester City Council.
 - The application Ref 122503/AO/2019, dated 24 January 2019, was refused by notice dated 20 March 2019.
 - The advertisement proposed is 1 x D48 sheet digital screen replacing 1 x 48 sheet illuminated panel.
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Decision

1. I allow the appeal, and grant consent for the installation of 1 x D48 sheet digital screen replacing 1 x 48 sheet illuminated panel. The consent is for five years and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The Screen's maximum level of illumination shall be no more than 300 cd/m² above ambient light levels at any time and in the hours of darkness shall not exceed 30 cd/m².
 - 2) The digital screen shall be static and two dimensional only with no animation, moving or apparently moving images, devices, wording or emblems; the changeover of advertisements shall be instantaneous and not be delivered with fading or gradual transition.
 - 3) The advertisement hereby approved, shall not change more frequently than once every 10 seconds.
 - 4) The screen shall not be illuminated during the hours of 00:00-06:00.
 - 5) In the event the screen is defective for any reason, the screen shall be set to go dark.

Procedural Matters

2. There is an existing illuminated static advertisement hoarding of a similar size and position as the proposed advertisement. The proposal would differ from the existing advertisement in that it would be freestanding and have an LED digital screen that is capable of changing content every 10 seconds.

Main Issues

3. The main issues are the effect of the proposed advertisement on 1) amenity with particular regard to character and appearance; and 2) public safety with particular regard to highway safety.

Reasons

4. The appeal site consists of an end terrace property, within the land to the side is an existing advertisement hoarding and associated access platform mounted on the gable of the building. The appeal site is located within an area characterised by its cluster of retail, and commercial properties at the junction of Rochdale Road and Victoria Avenue. To the south and south east is the local library and Tesco supermarket, and to the north is junction 20 of the M60.
5. The appellant proposes that the screen would show sequential images of no less than 10 seconds per image, that the images would change without fading and there would be no animation or active light patterns, and that the daytime brightness would be 300 cd/m² and a night-time brightness of 30 cd/2. I have assessed the proposal on this basis.

Amenity

6. As the proposed advertisement would replace a similar sized hoarding, in this respect there would not be any significant change in the physical appearance of the advertisement. I acknowledge that beneath the display would be a substantial supporting structure, that would cover the brickwork on the lower part of the building. However, the site is already partially screened by a high level palisade fence, and vegetation on adjacent land, these screen the lower part of the building, and would also screen most of the proposed supporting structure.
7. Clearly the new sign would differ to what exists now in that it would be a digital display with the ability to vary in brightness, and change the content at set intervals, and that this would inevitably draw passers-by attention to the site more than the existing hoarding. Nonetheless, these additional features would sit reasonably comfortably within the site's vibrant, commercial context. Consequently, it would not appear over dominant or obtrusive, nor detract from the visual amenities of the area.
8. This could also be reasonably controlled by planning conditions that would prevent any unacceptable harm to visual amenity or living conditions of residents caused by moving images or unreasonable levels of luminescence.
9. For the reasons set out above I find no harm to the amenity of the area. I have taken account of saved Policies DC15.1, DC15.2 and E3.3 of the Unitary Development Plan for Manchester and Policies EN1, SP1 and DM1 of the Core Strategy for the City of Manchester, and paragraph 132 of the Framework, which among other things, seek to ensure advertisements and hoardings do not affect amenity. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these Policies.

Highway Safety

10. The reason for refusal in respect to highway safety refers to the proposed advertisement's design and location on a busy route. I have read the Council's

evidence on this matter in the context of the Highway Authority's comments on the appeal proposal. While the latter contain clear reservations, including the view that the display may give rise to increased driver distraction, they do not conclude that the level of increased distraction would be of a degree that it would be likely to result in driver confusion that would ultimately lead to adverse highways safety conditions.

11. The appeal site is located at a wide traffic light controlled junction, with multiple movements available. These include the northbound on-slip of the M60, which has dedicated turning lanes for vehicles approaching from the north and south, and access to the service yard of a Tesco supermarket, which also has a dedicated turning lane for vehicles approaching from the south. The associated signage and road markings are clear, and there is no evidence before me to suggest that there is any existing confusion amongst road users when navigating through the junction.
12. The digital display would face north, therefore it would be visible to drivers approaching in a southerly direction along Rochdale Road. This is a relatively long straight stretch of road, restricted to 30 mph, allowing drivers to first view the display from some distance, without abruptly looking away or turning their head. Furthermore, the traffic lights adjacent to the appeal site mean vehicles would often be slowing down or stationary, allowing for drivers to assimilate the advertisement as they approach or whilst stationary without causing any potential undue distraction or confusion.
13. When approaching from the north the display would be viewed amongst a variety of street furniture, and at a point it would fall between an existing traffic signal head and a directional road sign. Nonetheless, this would be akin to how the existing advertisement hoarding is viewed when approached from the north, such that the proposed digital display would not cause any greater confusion to drivers in this respect.
14. I accept that the ability to change the static image would draw greater attention of passing drivers, cyclists and pedestrians. However, there is no evidence before me that indicates that any such additional attention would be significantly greater than that associated with the existing hoarding, nor that it would cause substantially more confusion leading to adverse highway safety conditions.
15. I conclude, taking the above into consideration that the digital display would be viewed for a reasonable distance as drivers approach from the north, this would provide adequate opportunity for drivers to read to road, and assimilate the advertisement as they approach, very similar to the existing conditions. I am therefore satisfied that the proposed advertisement would not have a significant effect on public safety.
16. For the reasons set out above I find no harm to public safety. I have taken account of saved Policies DC15.1, DC15.2 of the Unitary Development Plan for Manchester and Policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester, and paragraph 132 of the Framework, which among other things, seek to ensure advertisements and hoardings do not affect public safety. Given I have concluded that the proposal would not harm public safety, the proposal does not conflict with these Policies.

Other Matters

17. I have been provided an appeal decision letter from a recent appeal decision for another site in Manchester. However, I have not been provided with the full details of that case and, as such, I can attach little weight to the Inspector's findings. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
18. The Council's Environmental Health Officer has recommended conditions in relation to external lighting to be designed to control glare and overspill onto nearby residential properties. Considering the location of the advertisement and the distance away from the nearest residential property, from the information before me I have no good reason to believe that such a condition be necessary. That Officer has also recommended a condition for an installation and verification report in relation to the level of luminesce. However, such a condition would also be unnecessary as condition 1 above addresses this matter.

Conclusion

19. For the reasons given above I allow the appeal.

R Cooper
Inspector