
Appeal Decision

Site visit made on 26 July 2019

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2019

Appeal Ref: APP/B4215/Z/19/3229583

Pin Mill Brow, Manchester M12 6AE

- 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 Richard Page, Insite Poster Properties Ltd against the decision of Manchester City Council.
 - The application Ref 122514/AOH/2019, dated 24 January 2019, was refused by notice dated 10 April 2019.
 - The advertisement proposed is replacement of existing 48-sheet internally illuminated advertising display with a 48-sheet internally illuminated digital advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
 - 2) No individual advertisements shall be displayed for a duration of less than 10 seconds.
 - 3) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
 - 4) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - 5) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
 - 6) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours.

Main Issue

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

Reasons

3. The appeal site comprises part of a small triangular shaped area of land close to a traffic light controlled junction at the corner of the A635 ring road and Pin Mill Brow. These highways are busy with vehicular traffic and the surrounding area is industrial and commercial in character. As such, it is the type of area where the Planning Practice Guidance (PPG) indicates that an advertisement panel would be permitted where it would not adversely affect the visual amenity of the neighbourhood of the site.
4. The proposal which forms the subject of this appeal is for an internally illuminated 48 sheet advertisement with a sequential display. This would replace an existing advertisement display that is located slightly forward, but further away from the road than that now proposed. The proposed display would be the same size as the existing, measuring 6m in width x 3m in height but would be smaller in overall elevation being closer to the ground.
5. Although located closer to the road than the existing, the proposed display would mainly be viewed against a backdrop of trees and the façade of the Ark Trimmings Haberdashery building. It would only be visible for a short period for those driving on the A635 ring road or stopped at the lights and only in one direction. There would be very limited views afforded of the rear of the display when travelling in the opposite direction.
6. There is an internally illuminated advertisement display opposite the appeal site, which is visible only when travelling away from Pin Mill Brow. There are also small totem displays on the islands of the junction of the A635 and Fairfield. Apart from the existing display and the business signage for the adjacent YESS Electrical unit, there are no other large advertisement displays viewed from the same direction along this section of the A635. The appeal proposal would not substantively alter the current situation and as such there would be no cumulative impact with regard visual clutter, as suggested by the Council.
7. Changing digital displays are a common feature in a city centre location and I consider the difference between displaying a single advert in this location and a sequence of adverts, which includes no special effects, animation or movement, would not increase the prominence of the advert so as to have a material effect on the appearance of the area.
8. Having viewed the appeal site from a number of locations on the A635 ring road and Pin Mill Brow, I am satisfied that the proposed display would not stand out as an incongruous, obtrusive or overly dominant feature in the street scene. Accordingly, there would be no harm to the visible amenity of the area.
9. The Council are concerned that the appeal proposal would undermine local regeneration. Other than general reference to the New East Manchester Strategic Regeneration Framework and the appeal site falling within the Eastern Gateway Area, identified as suitable for knowledge based economic development, I have been provided no specific information about how these regeneration plans might influence the appeal site, or the immediate area. I therefore give this matter little weight.
10. My attention has been drawn to the policies in the City of Manchester Unitary Development Plan (1995) and the Core Strategy for the City of Manchester

(2012) that the Council consider are material to this appeal. I consider that the proposed advertisement would not conflict with these in so far as they are relevant to the appeal. However, I must have regard to the powers under Regulations to control advertisements which may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore of themselves been decisive, but are material considerations.

Conditions

11. The Council and the appellant have provided me with a list of conditions that it would wish to see imposed, in addition to the five standard conditions set out in Schedule 2 of the 2007 Regulations, in the event the appeal was allowed. I have considered the suggested conditions against the advice in the Framework and PPG.
12. In the interests of public safety and amenity, I have imposed conditions controlling the illumination, sequencing and length of displays, as well as a condition requiring the display to freeze in the event of any malfunction.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude the proposed advertisement would not be detrimental to visual amenity and the appeal should therefore be allowed.

R. Jones

INSPECTOR