
Appeal Decision

Site visit made on 9 March 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th May 2020

Appeal Ref: APP/B4215/Z/19/3243404

Advertising Right Junction Bradford Road, Hulme Hall Lane, Manchester M40 7BT

- 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 Rob Smith, Alight Media Ltd against the decision of Manchester City Council.
 - The application Ref 125028/AOH/2019, dated 2 October 2019, was refused by notice dated 28 November 2019.
 - The advertisement proposed is described as "the replacement of existing 1 x 48 sheet illuminated sequential (scrolling) advertisement unit with 1 x 48 sheet digital advertising display unit".
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Decision

1. The appeal is allowed and express consent is granted for the display of a 48 sheet digital advertising display unit at the junction of Bradford Road with Hulme Hall Lane, Manchester M40 7BT in accordance with the terms of application ref: 125025/AOH/2019, dated 2 October 2019, subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The intensity of the illumination shall be no greater than 300 candelas per square metre during the hours of darkness and 600 candelas per square metre at all other times.
 - 2) The display shall be fitted with a light sensor, which shall adjust the illumination levels to reflect changes in ambient light levels.
 - 3) The advertising display shall contain no moving images, animation, video or full motion images, or any images that resemble road signs or traffic signals.
 - 4) The minimum display time for any advertisement shall be 10 seconds and the change between advertisements shall be instantaneous.
 - 5) The advertising display shall have a default mechanism to display a black screen in the event of any malfunction.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from my site visit that the 48 sheet illuminated sequential advertisement unit has been removed. As such, this proposal no longer seeks to replace an existing advertisement and I have therefore considered the appeal on this basis.

Main Issue

4. The effect of the proposal on the amenity of the area.

Reasons

5. The appeal site is located within the car park of a car dealership on Bradford Road at its junction with Hulme Hall Lane. The immediate surroundings have a busy, mixed commercial character, with substantial buildings and features including an embankment, a railway viaduct bound by mature trees to the rear of the appeal site and a large gas holder beyond. There is a residential estate opposite the appeal site on the north west side of Bradford Road.
6. This proposal seeks permission for a 48 sheet digital advertising display unit, which would occupy a raised position within the car park. It would be internally illuminated and display static images which would transition instantaneously every 10 seconds.
7. The proposed advertisement would occupy a prominent corner position at the junction and would be visible from one direction travelling along Hulme Hall Lane and on the approach to the junction along Bradford Road. Viewed from these points, although it would be a substantial sign, it would sit comfortably against the backdrop of the high-level viaduct and the more substantial gas holder beyond, such that it would not appear as an overly large feature. Nor would it appear at odds with the busy commercial character of the street scene or immediate surroundings. The highway is wide and well-lit at this point, thus it has an open and spacious feel and in this context the sign would not appear overly dominant. Whilst it would be within close proximity to other advertisements, they are of a limited scale and typically comprise non-illuminated fascia signs and small banner types fixed to boundaries. As such, they are not directly comparable to the appeal proposal.
8. In addition, whilst the previous 48 sheet sequential advertisement unit had been removed at the time of my site visit, the evidence before me suggests that it had been in place for many years and was therefore an established feature in the street scene. The proposal would occupy the same position as the previous advertisement and it would be of a similar scale. Furthermore, the viaduct and the line of mature trees behind the appeal site would continue to contribute positively towards the visual amenity of the area as they occupy a raised position. The proposed advertisement would not project substantially above them.
9. The proposed advertisement would be splayed towards southeast bound traffic along Hulme Hall Lane and would not therefore intrude into the residential neighbourhood opposite, which is nevertheless located a considerable distance away. Whilst it may draw the eye more than the previous advertisement due to the different method of display, the level of illumination could be controlled by condition.

10. The Council are concerned that the proposal would hinder the regeneration of the area. I have not been provided with any compelling evidence which indicates how the proposed advertisement would negatively affect the potential to attract investment to the area. Moreover, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. This matter is not therefore determinative in my consideration of the appeal.
11. Consequently, taking all the above into consideration, the proposed advertisement would not result in unacceptable harm to the visual amenity of the area. The Council has drawn my attention to policies EN1, SP1 and DM1 of Manchester's Local Development Framework, Core Strategy (July 2012) and DC15.1, DC15.2 and E3.3 of the Unitary Development Plan for the City of Manchester (July 1995) which collectively seek to ensure proposals do not harm the character of the area. Whilst I have taken them into account in so far as they are material considerations, they have not in themselves been decisive.

Other Matter

12. I have noted the Council's concern regarding the effect of the proposal on the amenity of neighbouring occupiers in terms of light pollution. However, the PPG advises that amenity, in the context of the control of advertisements, includes aural and visual amenity, but does not extend to considerations relating to living conditions. Given the powers to control advertisements set out in the Regulations, this matter is not therefore determinative in my consideration of the appeal.

Conditions and Recommendation

13. The main parties have suggested conditions relating to the control of illumination, moving images and the frequency with which the displays change. In the interests of public safety and visual amenity I consider such conditions to be necessary.
14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR

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