



Appeal Decision

Site visit made on 23 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2020

Appeal Ref: APP/B4215/Z/20/3250326

58 Cheetham Hill Road, Manchester, M4 4EX

- 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 Clear Channel UK against the decision of Manchester City Council.
 - The application Ref 125643/AOH/2019, dated 29 November 2019, was refused by notice dated 7 February 2020.
 - The advertisement proposed is described as *"upgrade of existing 48 sheet advert to support digital poster"*.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as material considerations. However, powers under the Regulations to control advertisements 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, by themselves, been decisive.

Main Issue

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

Reasons

4. The proposed LED advertisement would be positioned at the back edge of the footway within the forecourt of a petrol filling station. It would be in the same position as an existing paper and paste display, albeit it would be mounted on a structure that would be around a metre taller in height.
5. The appeal site is located close to the edge of Manchester city centre and is next to the 'Green Quarter', which is an area that is in the process of being developed for high rise apartments. In this regard, Planning permission was approved in November 2016 (Ref 113914/FO/2016) to redevelop land immediately to the north of the appeal site for a 16 storey building containing 192 apartments and a ground floor commercial unit. The Council state that the pre-commencement conditions attached to that permission have been

discharged and that a meaningful start has been made on site. At the time of my visit, this site had been cleared and was enclosed by hoardings.

6. The submitted plans show the advertisement positioned against commercial units that have since been demolished, and it is therefore unclear precisely how it would align with the proposed 16 storey building. However, it would be positioned directly against its southern elevation and would replace the existing advertisement with a significantly taller LED display. Its prominence would also be amplified by its LED design and the changing nature of the images, and it would be a far more eye catching feature than at present. In my view, it would be a discordant feature within the street that would sit uncomfortably against the backdrop of the new building. I note that the existing paper and paste advertisement benefits from deemed consent. However, the appeal proposal would be both taller and more striking than the existing display and would be significantly more harmful to visual amenity in my view.
7. My attention has been drawn to a number of other billboard signs in the vicinity. However, the majority of those are located some distance to the north and are seen against the backdrop of low-rise commercial buildings. Moreover, they do not consist of comparable LED displays.
8. A number of conditions have been suggested by the appellant that would control the illumination and frequency/method of change. However, these conditions would not overcome my concerns, as set out above.
9. For the above reasons, I conclude that the proposed advertisement would be detrimental to the interests of visual amenity. I have taken into account saved Policy DC15 of the Unitary Development Plan for the City of Manchester (1995) and Policies DM 1 and EN 1 of the Manchester Core Strategy (2012), which seek to protect amenity and so are material in this case. Given I have concluded that the proposal is harmful to amenity, it also conflicts with these policies.

Other Matter

10. The Council assert that glare from the proposal would adversely affect residential amenity. However, the advertisement would be south facing and some distance away from the nearest residential property in that direction. In any case, the luminance of the display could be controlled by condition.

Conclusion

11. As set out above, I consider that the appeal proposal would be detrimental to the interests of visual amenity. Whilst it would provide some modest environmental benefits compared to the existing paper and paste display, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR