



Appeal Decision

Site visit made on 21 December 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2020

Appeal Ref: APP/B4215/Z/20/3260828

Advertising Right Next Essoldo, Mount Road, Manchester M18 7BG

Grid Reference Easting 388032, Grid Reference Northing 396098

- 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 (Wildstone) against the decision of Manchester City Council.
 - The application Ref 127276/AOH/2020, dated 23 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is conversion of 5 no. 48-sheet illuminated advertising displays to 2 no. 48-sheet digital advertising displays.
-

Decision

1. The appeal is allowed and express consent is granted for the display of advertisement as applied for. The consent is for five 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) The intensity of the illumination of the advertisements permitted by this consent shall be no greater than 600 candela/m² during daylight hours and 300 candela/m² during the hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds, the sequencing of messages relating to the same product is prohibited and there shall be no special effects (including noise, smell, smoke, animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. No images that resemble official road traffic signs or signals shall be displayed. The interval between successive displays shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement and the display will include a mechanism to freeze the image in the event of a malfunction. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.

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.

Preliminary Matters

3. The appellant was given the opportunity to comment on the officer's report as this was not available when they submitted their appeal. I have had regard to their response in reaching my decision.

Main Issue

4. The effect of the proposed advertisements on the visual amenity of the area.

Reasons for the Recommendation

5. The Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity¹.
6. The appeal site is situated adjacent to Mount Road which is a busy route that links the key radial routes of Hyde Road and Stockport Road. I observed on my site visit that this section of Mount Road has a sense of spaciousness given the bus lay-by to either side of the highway, the open area of grassland adjacent to the existing advertisements and separation distance between buildings. Within the context of the appeal site are two and three-storey buildings, tall trees and lighting columns. There are a range of uses within the surrounding area including commercial and residential buildings and Belle Vue train station. There are also a large number of advertising displays within the local area.
7. The application seeks to replace five existing advertising displays with two digital displays. The hoardings would be positioned diagonally at each end of the site, similar to the position of the existing signs. The Council recognise that the height of the displays would be the same as the existing hoardings and they would not sit closer to Mount Road than the existing displays.
8. The Council consider that the principle of replacing the existing hoardings with two non-illuminated hoardings would be acceptable. They accept that the current signs are illuminated but state that the current illumination is unauthorised. There is nothing to indicate that the Council is or has considered taking any action regarding the illumination of the adverts. However, given the uncertainty over whether the illumination of the adverts is unauthorised I have not given significant weight to the presence of the existing illumination.
9. The main issue to consider is the effect of the illuminated display of changing images. I consider that the scheme would improve the visual amenity of the area during daytime hours due to the significant reduction in advertising displays. In addition, the new displays would have a steel support which would be less intrusive and bulky than the existing solid support bases. The height of the advertisements would not look out of place given the height of the existing advertisements at the appeal site, and within the local area, and given the context of the appeal site.
10. Undoubtedly the scheme would have a greater impact during hours of darkness than non-illuminated displays. Owing to the site's context, I am not convinced that the scheme would have an unduly adverse effect on the visual amenity of the area during the hours of darkness to a degree that would warrant express

¹ Paragraph: 079 Reference ID: 18b-079-20140306

- consent being refused. Advertisements are an established feature within the street scene and Mount Road is a busy urban highway with street lighting and traffic lights and there are a range of uses within the vicinity. I also observed an externally illuminated advertisement nearby located adjacent to Crossley Street; nevertheless, it is unclear whether this advertisement has consent.
11. I give significant weight to the reduction in displays and to ensure that the scheme is not an unduly dominant feature in the street scene, the intensity of the illumination, display time and interval between advertisements could be controlled by a condition to ensure that the proposal is appropriate for the urban location. There is no demonstrable evidence which shows that the difference between displaying a single advert and a sequence of adverts, which includes no special effects indicating an image change, would harmfully increase the prominence of the scheme.
 12. The Council are concerned that the illumination would have a harmful impact upon nearby properties and proposed housing. They state that the rear panels would allow illumination through and would impact nearby residents to the south of the site. However, the appellant asserts that digital displays do not have rear panels which allow illumination through. Based on the evidence submitted, I do not consider that the proposed illuminated advertisements would have an unacceptable effect upon the residential properties to the south given the distance between the appeal site and these dwellings and because the level of illumination can be controlled by a planning condition.
 13. I understand that there is a current planning application for housing² on the opposite side of Mount Road which the Planning and Highways Committee were minded to approve, subject to the signing of a Section 106 agreement. Even if housing was built on this site, I am satisfied that the proposed displays would not have an unacceptable effect upon future occupiers given the distance between the two sites, the intervening busy highway which includes street lighting and traffic lights and the level of illumination can be controlled by a planning condition.
 14. For the reasons given above, I find that the proposed advertisements would not harm the visual amenity of the area. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisements would not cause visual harm, the scheme would meet with the aims of Policies EN1, SP1 and DM1 of the Manchester's Local Development Framework: Core Strategy Development Plan Document (2012) and saved Policies DC15 of the City of Manchester Unitary Development Plan as well as paragraph 132 of the National Planning Policy Framework.

Conditions

15. In addition to the five standard conditions set out in the Regulations, the Council has suggested further conditions relating to luminance and how the images are to be displayed. The appellant has also suggested similar conditions. These have been assessed in light of guidance found in the PPG and where necessary have been amended for clarity and precision.
16. In the interest of public safety and amenity, I have imposed conditions controlling the illumination, sequencing and length of displays, as well as

² 122160/FO/2018

requiring the display to freeze in the event of any malfunction. The level of luminance would be limited to 300 candela/m² during non-daylight hours as suggested by both the Council and the appellant. The level of luminance would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals as I consider that the site is located within a medium district brightness area. I note that the Council has recommended that the luminance level should not exceed 300 candela/m² during inclement weather. However, in the interest of precision, I have not included this within the condition as it would be difficult to define inclement weather. Moreover, I am not satisfied that such a condition is necessary in the interests of highway safety and the condition to limit the brightness of the display during daylight and non-daylight hours is sufficient to protect the amenity of the area.

Conclusion and Recommendation

17. For the reasons given above I recommend that the appeal should be allowed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be allowed subject to the conditions attached.

Chris Preston

INSPECTOR