

Appeal Decision

Site visit made on 17 November 2020 by Andreea Spataru BA (Hons) MA

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2021

Appeal Ref: APP/B4215/Z/20/3259385

Advertising site adjacent railway bridge, Oldham Road, Manchester M40 8AG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Urban and Provincial Outdoor Advertising Limited against the decision of Manchester City Council.
 - The application Ref 127164/AOH/2020, dated 26 May 2020, was refused by notice dated 3 August 2020.
 - The advertisement proposed is described as "upgrade of 2no. 48-sheet advertising displays to 2no. 48-sheet digital displays and removal 1no. 48-sheet advertising display from site."
-

Decision

1. The appeal is allowed and express consent is granted for the upgrade of 2no. 48-sheet advertising displays to 2no. 48-sheet digital displays and removal 1no. 48-sheet advertising display from site 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 maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours/inclement weather.
 - 2) 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.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between successive advertisements shall be 0.1 seconds or less.
 - 4) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels, and a mechanism shall be in place to ensure that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.

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.

Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the area.

Reasons for the Recommendation

4. The appeal site relates to a piece of land adjacent to a railway bridge. It fronts Oldham Road, which is a main route to and from Manchester city centre. The site is currently occupied by three non-illuminated advertising displays, with the drawings showing that each advertisement display measures 6m in width and 3m in height. There are other large non-illuminated advertisement hoardings within proximity of the site.
5. The site falls within an area comprising a mix of commercial and industrial uses. The busy character of the main road and the number of advertisements in the vicinity contribute strongly to the appearance of the area. The existing advertisements, which appear to have been in place for some time, occupy a prominent position within the streetscene.
6. The proposal would replace the existing three advertisement displays with two internally illuminated digital displays of the same size and would be visible from similar vantage points. The proposed advertisements would change statically every 10 seconds and the interval between successive advertisements would be 0.1 seconds or less.
7. The Council's primary concern is that the visibility and prominence of the advertisements would be increased by the illuminated and changing nature of the proposed LED displays. I acknowledge that digital images would be brighter than those of the existing advertisements, and would change at regular intervals. However, the level of illumination could be regulated by condition and similarly, the speed with which the advertisements change and the prevention of video or moving images could also be controlled by condition. Consequently, whilst the advertisements would appear more modern and may draw the eye more than the existing, given the character and appearance of the area, they would not appear intrusive or out of place.
8. For the reasons given above, I consider that the advertisements would not cause material harm to the visual amenity of the area.
9. I have taken into account Policies EN1, DM1 and SP1 of the Manchester's Local Development Framework Core Strategy Development Plan Document and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester which, amongst other things, seek to protect amenity and so are material in this case. Given that I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.

Conditions and Recommendation

10. I have considered the comments made by the main parties regarding the necessity of conditions relating to the control of the luminance of the signs, moving images and the frequency with which the displays change. In the interests of public safety and visual amenity such conditions are necessary to make the proposal acceptable.
11. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be allowed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR