



Appeal Decision

Site Visit made on 25 May 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/B4215/Z/21/3268421

622 Oldham Road, Manchester, M40 8BA

- 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 Urban & Provincial Advertising against the decision of Manchester City Council.
 - The application Ref 128430/AOH/2020, dated 12 October 2020, was refused by notice dated 15 December 2020.
 - The advertisement proposed is for a wall mounted, digital media display to replace existing advertisement.
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Decision

1. The appeal is allowed and express consent is granted for a wall mounted, digital media display to replace existing 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 advertisement permitted by this consent shall be no greater than 1000 candela during the day and 300 candela at night (dusk to dawn).
 2. The advertisement hereby approved shall not have any intermittent light source or display any moving or apparently moving images or animation. It shall not contain any video or any images that resemble road signs, traffic lights or traffic signs.
 3. The advertisement hereby approved shall not change more frequently than once every 10 seconds and the sequential change between advertisement displays shall take place over a period of no greater than 0.1 second. The advertisement will include a mechanism to freeze the image in the event of a malfunction.

Preliminary Matter

2. I have utilised and amended the description of the proposed advertisement from the decision notice and appeal form as this more accurately describes the appeal proposal.

Main Issue

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

Reasons

4. The appeal site forms part of the gable end of a two storey terrace block that contains a variety of retail and commercial uses at ground floor level. The site currently has a 48 sheet advertisement hoarding that faces traffic travelling away from the city centre on Oldham Road. This is a classified road, as is the A6010 (Queens Road / Hulme Hall Lane), which intersects with Oldham Road and is to the side of the terrace that the appeal site forms part of. The variety of buildings and range of uses gives the area a largely commercial character that is dominated by busy traffic routes.
5. The proposal is to replace the existing advertisement on the site with a digital advertisement display. The Council has made reference to the large size of the proposal as well as it covering a large area of the brick gable. However, the proposed advertisement, in terms of its setting and size would be largely unchanged from the existing advertisement, which both the Council and the appellant acknowledge has received advertisement consent. There would also be little difference when compared to the existing advertisement hoarding in relation to the size of any features on the appeal or surrounding buildings.
6. I was able to see that there are a number of other large advertisements in the vicinity of the site, but as the appeal development involves a replacement advertisement, not an additional one, it would not unduly exacerbate visual clutter. The proposal differs from the existing advertisement in that it would be a digital display. Whilst the internal illumination and the changing nature of the display can add prominence, advertisements by their very nature are designed to attract attention. The appellant has stated that the level of illuminance can be controlled, as can the frequency of changes and I have no reason to find that this form of advertisement would in itself be unacceptable.
7. The proposal would be situated in a highly prominent location on the orbital inner relief route. There is also an amenity area that contains mature trees opposite the site across Hulme Hall Lane, which I accept provides a welcome piece of green space. Nevertheless, the location where the appeal site is located is defined by its commercial character and I do not consider that in this context, the proposed advertisement would appear as an obtrusive feature. The lower part of the proposal would be around 2m from ground level, above the typical height of a person, and it would therefore not be overwhelming or overbearing to pedestrians using the footways near the site.
8. Reference has been made to a previously unsuccessful appeal decision at the site¹, but I have been provided with few details of this previous proposal or of those appeals on other sites. Although they do appear to have involved digital displays, it is evident that the circumstances of those proposals on other sites were different in relation to the character of the area or on the type of existing advertisements that were present. On the appeal site, whilst the LED screen and the changing content was a concern identified in the previous decision, it is evident from the decision itself that the imposition of conditions was not considered. I have however been provided with detailed conditions and consider that subject to appropriate controls on illumination levels and the rate of change, this appeal development would not be unduly dominant in this commercial location.

¹ APP/B4215/Z/18/3211404

9. I note that both the Council and the appellant make reference to a number of development plan policies, and also to the National Planning Policy Framework. Reference has also been made to other guidance. Whilst I have taken them into account as material considerations, the power to control advertisements under the regulations may be exercised only in the interests of public safety and amenity. Consequently, in my determination of this appeal, these matters have not, themselves, been decisive.

Conditions

10. In addition to the standard conditions, I consider a condition to control the intensity of illumination is required, during the night but also during the day. Given this condition, I do not consider the suggested conditions requiring a light sensor to adjust the brightness to changes in light levels or to control glare and overspill to be necessary.
11. In the interests of public safety and amenity, conditions are also required to control the frequency of advertisement changes, to avoid any moving or apparently moving images and to ensure that changes occur quickly as well as having a mechanism to freeze images in case of a malfunction in the interest of public safety. The wording of some of the suggested conditions have been amended in the interests of conciseness, precision and enforceability.
12. The conditions being imposed, as set out above, would achieve the desired purposes of controlling the advertisement in the interests of public safety and amenity. As such, the request for a verification report is unnecessary and unreasonable in the circumstances of this appeal.

Conclusion

13. For the reasons given above I conclude that the display of the advertisement would not be detrimental to amenity.

F Rafiq

INSPECTOR