



Appeal Decision

Site visit made on 11 May 2021 by Darren Ellis MPlan

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/B4215/Z/21/3269485

Land Adjoining 849 Ashton New Road, Manchester, M11 4PA

- 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 Wildstone Group Limited against the decision of the Manchester City Council.
 - The application Ref 128606/AOH/2020, dated 22 July 2020, was refused by notice dated 8 January 2021.
 - The development proposed is described as an upgrade of existing 48-sheet billboard to support digital poster.
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Decision

1. The appeal is allowed and advertisement consent is granted for the upgrade of the existing 48-sheet billboard to support a digital poster on land adjoining 849 Ashton New Road, Manchester, M11 4PA. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations and the following additional conditions:
 - 1) The luminance levels shall be restricted to 200 candelas per square metre during hours of darkness.
 - 2) The screen display shall not contain moving images, animation, video, full motion images, or images that resemble road signs or traffic signs.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous, with no visual effects including swiping or other animated transition methods between successive displays.

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 Matter

3. The site address provided on the application form is 834-847 Ashton New Road. However, the existing billboard is attached to the gable wall of No 849 Ashton New Road with the adjacent property to the west being No 24 Tobermory Close. Therefore, for the banner heading above I have used the site address 'Land Adjoining 849 Ashton New Road' as shown on the decision
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notice, appeal form, the appellant's statement and the Council's delegated report.

Main Issues

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

Reasons for the Recommendation

5. Ashton New Road is a busy arterial route that also includes a tram route. The proposed hoarding would be situated on the west facing gable of No 849, a two-storey building that is at the end of a parade of shops. Adjacent to the site is a small green space and a bus stop. Opposite the parade of shops is a small retail park, with Aldi and Greggs stores fronting Ashton New Road. The surrounding area contains a mix of residential dwellings and commercial units, a range of shopfront fascia signs and advertising billboards in the vicinity of the appeal site, some of which are illuminated. The busy character of the road and the high frequency of public transport using the road, together with the fascia signs and advertisements in the street, all contribute to the vibrant appearance of the area and the existing hoarding does not look out of place in that context.
6. The existing hoarding is in a prominent position and is highly visible to road users and pedestrians approaching from the south of the site. Both parties agree that the existing non-illuminated 48 sheet poster display has been in situ for a number of years, and consequently is an established part of the street scene. The proposed hoarding would be the same size and of a very similar depth to the existing hoarding, and as such there would be no notable change in those respects. Although the proposed hoarding would be moved to a higher position on the gable that slight change in position would not unduly increase the prominence of the sign.
7. The Council's primary concern is that the visibility and prominence of the advertisement would be increased by the nature of the proposed LED display. However, whilst I acknowledge that digital images would change at regular intervals and would be more visible when it is dark as a result of the LED illumination, the level of illumination could be regulated by condition. The common limit for the illuminance of digital advertisements in the hours of darkness is 300 candelas per square metre, however in this case the appellant has offered to limit the illuminance of the digital display to 200 candelas per square metre when it is dark. At such levels I am satisfied that the luminance of the advertisement would be appropriate in the context of the surrounding environment, having regard to the busy and well-lit nature of the road and the presence of commercial premises, some of which contain illuminated shopfront advertisements. 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 digital advertisement would appear more conspicuous than the existing, it would not appear intrusive or out of place having regard to the established character of the area.
8. A small non-illuminated advertisement is currently in place above the existing hoarding. The positioning of the digital hoarding, where the top of the hoarding would be at the eaves level of the property, would see this small advertisement covered or removed. As such, the proposal would result in a reduction in the number of advertisements visible on the gable.

9. The proposed hoarding would be in close proximity to residential properties in Tobermory Close. However, the blank gable end of the closest property faces onto the site and the digital screen would not directly face any windows in these properties. The appellant has suggested that the display could be turned off during the hours of 23:00 and 06:00. However, given the orientation and layout of the closest residential properties I find that such a condition is not necessary in the interest of amenity and the control of luminance, as set out above will be sufficient to mitigate any harmful impact.
10. The Council has drawn my attention to policies EN1, SP1 and DM1 of the Core Strategy Development Plan Document (July 2012) and saved policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester (1995), all of which seek in various ways to protect amenity. However, whilst I have taken them into account as material considerations, the powers to control advertisements under the Regulations may be exercised only in the interests of amenity and public safety. Consequently, in my determination of this appeal the Council's policies are not, in themselves, decisive.
11. For the reasons given above, I consider that the proposed digital screen would not cause harm to the amenity of the area.

Conditions

12. Both parties suggested a series of conditions to regulate the illumination and appearance of the images in the event that the appeal was allowed. I have considered them having regard to the tests set out in Paragraph 55 of the National Planning Policy Framework, and have amended them where necessary for clarity and precision. In the interests of public safety and visual amenity it is necessary to control the luminance of the sign, moving images and the frequency with which the displays change. Such conditions are necessary to make the proposal acceptable.
13. In the interests of highway safety, the Council also suggested conditions for the display panel to be fitted with a light sensor in order to adjust the brightness of the digital screen when ambient light levels change, and for the screen to default to a black screen in the event of a malfunction. However, the appellant's statement states that the proposed digital screen would already incorporate these features, and therefore it would not be necessary to attach these conditions. In any event, I am satisfied that the conditions relating to luminance, avoidance of moving images and frequency changes are sufficient to control matters of amenity and public safety.
14. For the reasons given above, I recommend that the appeal should be allowed and express consent granted subject to the conditions relating to the above matters in addition to the standard conditions set out in the Regulations.

Darren Ellis

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 I agree with the recommendation and shall allow the appeal subject to the conditions set out in paragraph 1.

Chris Preston

INSPECTOR