



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: 6 July 2021

Appeal Ref: APP/B4215/Z/21/3269491

Adjacent to 48 Ashton Old Road (opposite The Junction With Viaduct Street), Manchester, M12 6LP

- 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 Cleae Channel UK against the decision of Manchester City Council.
 - The application Ref 128607/AOH/2020, dated 1 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed is described as Installation of digital advertisement display to replace existing 96 sheet advert.
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Decision

1. The appeal is allowed and advertisement consent is granted for the installation of a digital advertisement display to replace an existing 96 sheet advert adjacent to 48 Ashton Old Road (opposite The Junction With Viaduct Street), Manchester, M12 6LP. 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 intensity of the illumination of the digital advertising screen permitted by this consent shall be no greater than 300 candelas per square metre during hours of darkness.
 - 2) The advertising screen shall not display any moving, or apparently moving images, or sequencing of images over more than one advert.
 - 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.

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 site address provided on the application form is Land and Buildings, South Side of Ashton Old Road, Manchester, M12 6LP. However, the decision notice, appeal form, the appellant's statement and the Council's delegated report all use the site address 'Adjacent to 48 Ashton Old Road (opposite The Junction With Viaduct Street)'. As this address is more accurate than the address
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provided on the application form, I have used this amended address in the banner heading above.

4. On the application form, the proposed development is described as 'Upgrade of existing 48 sheet advert to support digital poster.' Notwithstanding this, the submission documents clearly show that the existing advertisement is 96 sheet in size and not a 48 sheet advertisement. I have therefore amended the description of development in the banner heading above to match the description shown in the decision notice, appeal form, the appellant's statement and the Council's delegated report, which accurately reflects the proposed development.

Main Issues

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

Reasons for the Recommendation

6. The appeal site is located in a commercial area on the south side of Ashton Old Road, which is a busy arterial route from the city centre. A large externally illuminated 96 sheet poster display exists on the appeal site. The proposal would replace this with a 48 sheet internally illuminated digital display. The proposed advertisement would show static images that would change at intervals of not less than 10 seconds.
7. Surrounding the existing hoarding are several other separate non-illuminated advertisements and an LED scrolling message screen, and there are numerous advertisements and shopfront fascia signs in the wider streetscene. The busy character and commercial nature of the road, together with the fascia signs and advertisements in the street, all contribute to the appearance of the area and the existing hoarding does not look out of place in that context.
8. The existing hoarding is in a prominent position and is highly visible to road users and pedestrians approaching from the west of the site. Even if the existing advertising hoarding did not have consent when it was erected, the hoarding appears to have been in place for a number of years and is an established part of the street scene. There is no indication that the Council has ever sought to discontinue the sign. The proposed hoarding would be half the size as the existing, and a less dominant scale of advert which would be a benefit compared to the substantial existing hoarding.
9. I acknowledge that a digital screen could be more prominent than the existing advertisement, as images would change at regular intervals and they would be more visible when it is dark as a result of the LED illumination. However, the level of illumination could be regulated by condition. In this case the appellant has offered to limit the illuminance of the digital display to 300 candelas per square metre during the hours of darkness. 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. Similarly, the speed with which the advertisements change and the prevention of video or moving images could also be controlled by condition. Furthermore, the reduction in size of the hoarding would reduce its prominence. Consequently, whilst the digital advertisement may appear more conspicuous than the existing, it would not

appear intrusive or out of place having regard to the established character of the area.

10. The Council has drawn my attention to policies EN1, DM1 and SP1 of the Core Strategy Development Plan Document (July 2012) and saved policies DC15.1, DC15.2 and E3.3 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. In any event, I have found that the proposal would not cause harm to the amenity of the area and therefore find no conflict with the stated policies.

Conditions

11. Both parties have 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 Framework. 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.
12. The Council has requested a condition that requires the removal and discontinuation of the advertisement once the temporary consent has expired, and the for land to be reinstated to a scheme to be submitted to and approved by the Council before the expiration of the consent, in the interests of visual amenity. Applications for express consent are granted for a period of five years, as stated in the decision above, after which time the advertisement would benefit from deemed consent under the terms of the Advertisement Regulations. After such time the Council would be free to consider serving a discontinuance notice in the event that the advertisement was causing harm to amenity or was a danger to the public. However, there is nothing to indicate that the advert will degrade to such an extent or that it would automatically cause harm after the 5 year period. Accordingly, the suggested condition requiring its removal is not necessary to make the proposal acceptable.
13. A condition specifying the approved plans is also not necessary as the decision grants express consent for the specific details submitted with the application and there is no doubt about the details being approved.
14. 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 defaults 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 I find it would not be necessary to attach these conditions. The conditions relating to light levels, sequencing and the prevention of moving images are sufficient to avoid harm to amenity or highway safety.
15. 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

16. 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