



Appeal Decision

Site visit made on 6 January 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/B4215/Z/21/3279379

543 Hyde Road, Manchester, M12 5NQ

- 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 Wildstone Estates Limited against the decision of Manchester City Council.
 - The application Ref 129892/AO/2021, dated 22 March 2021, was refused by notice dated 25 May 2021.
 - The advertisement proposed is described as 'upgrade of existing 48 sheet advert to support digital poster'.
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Decision

1. The appeal is allowed and express consent is granted for the installation of an internally illuminated digital media display to replace the existing advertisement to gable. 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) Between dusk and dawn, the intensity of luminance of the advertisement permitted by this consent shall be no greater than 300 cd/m². At all other times, the intensity of the illumination shall be no greater than that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05: The Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) Each advertisement shall be displayed for no fewer than 10 seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) with a smooth instant change into the next static poster image. The complete screen shall change, and there shall be no special effects (including animation, flashing, scrolling, intermittent or video elements) of any kind before, during or after the display of any advertisement. No images shall be displayed that resemble road signs or traffic lights.
 - 3) The advertising display shall have a system in place to ensure that, in the event of a malfunction, the screen defaults to blank.

Procedural Matters

2. The appeal proposal would involve the removal of the existing paper and paste billboard, and its replacement with a new internally illuminated digital media display. The Council assessed the proposal on that basis, and so have I. The description of the proposal in the banner heading above, which is taken from the application form, is less precise, and so I have altered it accordingly in my decision.

3. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. Having reviewed the revised document, I am satisfied that the changes to national policy do not materially affect the matters of dispute within this appeal, and do not prejudice the cases put forward by either party.

Main Issue

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

Reasons

5. The appeal site is located on Hyde Road, (A57), a main arterial route into Manchester City Centre. The area is comprised of a mix of uses, of which commercial and leisure predominate. The area has no clear urban form and its character is strongly influenced by Hyde Road itself, with its associated street furniture and highway infrastructure. Grass verges and trees along the road boundaries provide welcome greenery and contribute positively to the area.
6. Advertisements are a common feature along this section of Hyde Road, and there are a variety of signs in the vicinity of the appeal site. In addition to flags and other signage associated with nearby commercial uses, there are several other large, free standing signs nearby, some of which are paper and others digital. Nearby advertisements include a pair of large scale, free standing digital signs at the junction of Hyde Road and Boundary Street, facing both lanes of traffic.
7. The proposed digital installation would replace the existing 48 sheet paper advertisement sited on the gable end of 543 Hyde Road. There is no dispute that the sign has been in place for at least 10 years, and it is therefore an established feature within the streetscene. The existing sign does not appear overly prominent or out of place in this location.
8. The proposed sign would be of a similar size to that existing, with only a very slight alteration to its position on the gable wall of 543 Hyde Road. As it would be a direct replacement, the proposed digital display would not add to advertising clutter in the area, nor would it add to the cumulative impact of signage in the area.
9. The proposed LED digital display with changing images would be more noticeable than the existing non-illuminated sign, particularly in dull or dark conditions when it would appear brighter. However, a digital sign would not be unexpected in this location, which is already well lit with street lights and other digital signs. The brightness of the sign, together with the speed of change and transition between images could be controlled, which would avoid the display becoming overly obtrusive or prominent in the streetscene.
10. The proposed sign, like the existing advert, would be visible to traffic travelling along Hyde Road in the direction of Manchester City Centre. Compared with other advertisement displays nearby, the proposed sign would not be particularly elevated, but as this section of Hyde Road is straight, the sign would be visible from a reasonable distance away. However, to approaching vehicles it would be seen in the context of other features close by, including signage, trees and street furniture. The sign would form one element of this

varied streetscape, and would not appear particularly dominant or obtrusive to passers-by.

11. There are no residential uses in close proximity, and the hotel to the rear of the site is some distance away, on the other side of the former petrol forecourt. The distance between the appeal site and the hotel, together with the proposed controls over the brightness of the sign during the hours of darkness, would ensure that hotel guests would not be adversely affected by lightspill.
12. I conclude that, with suitable controls in place, the proposed advertisement would not cause unacceptable harm to visual amenity. The Council has referred to a number of development plan policies and, in accordance with the relevant Regulations, I have taken them into account as material considerations, insofar as they are relevant to amenity. Saved Policy DC15 of the Unitary Development Plan for the City of Manchester (UDP) is concerned with advertisements and is relevant to this case, and Policies DM1, EN1 and SP1 of the Manchester Core Strategy 2012 are concerned with protecting and enhancing the character of the area, so also have relevance. As I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
13. Saved UDP Policy E3.3 seeks to upgrade the appearance of the City's major radial and orbital roads, which include Hyde Road. The proposal would provide a modern and high quality sign, and I have been provided with no information to suggest that the proposal would undermine the objectives of this policy.
14. The Council has not raised any concerns about the effect of the proposal on public safety and I agree that, with suitable controls to prevent glare and to control the changing images, the sign would be unlikely to cause distraction to road users. In coming to this conclusion, I have had regard to the road layout in this location, which is fairly straightforward to navigate, with no major junctions nearby and with speed limited to 30mph. I am therefore satisfied that the proposal would not cause harm to public safety. As such, there would be no conflict with paragraph 136 of the National Planning Policy Framework, which notes that advertisements should be subject to control only in the interests of amenity and public safety.

Conditions

15. Both parties have suggested additional conditions to control the operation of the display. I agree that these controls are necessary in the interests of safeguarding amenity and highway safety, and have imposed them with minor wording changes.

Conclusion

16. For the reasons given, the appeal is allowed and express consent granted, subject to the conditions set out above.

R Morgan

INSPECTOR