
Appeal Decision

Site visit made on 21 March 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/B4215/Z/22/3291837

Fairfield Service Station, Ardwick, Manchester, M1 2AH

- 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 Poster Property Limited against the decision of Manchester City Council.
 - The application Ref 132086/AO/2021, dated 18 October 2021, was refused by notice dated 22 December 2021.
 - The advertisement proposed is the installation of an advertising hoarding with illuminated digital display.
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Decision

1. The appeal is allowed, and express consent is granted for the display of the installation of an advertising hoarding with illuminated digital display 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 condition:
 - 1) The structure incorporating the LED digital display panel hereby approved shall be displayed only in accordance with the following:
 - a) No individual advertisement displayed on the LED panels shall contain moving images, animation, video or full motion images or any images that resemble road signs or traffic signals.
 - b) No individual advertisements shall be displayed for a duration of less than 10 seconds.
 - c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panels.
 - d) The display panels shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - e) A mechanism shall be in place to ensure that if the installation breaks down, it shall default to a blank screen, to avoid any flashing error messages or pixilation.
 - f) The maximum luminance of the advertisements displayed on the panels shall not exceed 600cd/m² during the day and 300cd/m² during non-daylight hours/inclement weather.

Procedural Matter

2. It is disputed between the parties whether the current advertisement on the site has deemed consent or not. This is a matter between the appellant and the Council and ultimately one for the Courts to determine. I have determined the

appeal on its individual merits in the light of the prevailing circumstances. The decision on the appeal does not affect any 'deemed consent' rights which may apply to the current display.

Main Issue

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

Reasons

4. Fairfield Road is a busy road, leading into and out of the city centre. The advertisement would occupy an elevated position with the display visible to traffic travelling towards the city centre. In such views the sign would be seen in the context of the railway viaduct to the rear of the site and the large office building to one side.
5. Given the size of the viaduct and the office building, the scale and mass of the advertisement, which would be considerably less than the hoarding that is currently on the site, would not appear excessive or disproportionate. Although elevated it would not project above the height of the viaduct.
6. The surrounding area is commercial in nature. As well as various signage for the businesses, there are a considerable number of other 48 sheet advertising hoardings in the immediate vicinity, both freestanding and attached to buildings.
7. As highlighted in the other appeal decisions referred to by the Council, the internal illumination and ability to display multiple static images would make the advertisement more prominent than the current hoarding, particularly at night. However, in the context of a relatively busy road in a commercial area, it would not appear unduly prominent or out of keeping.
8. The appeal site and the surrounding area is located within the area covered by the Manchester Piccadilly Strategic Regeneration Framework, which aims to bring significant transformation to this area, partly in connection with the HS2 project. I observed that works were taking place on a site on the other side of the railway viaducts. Nonetheless, although some of the railway arches in the area have been brought into use, at present no specific works appear to have taken place on Fairfield Street itself, nor have I been provided with a timescale for any regeneration works in the immediate vicinity. As the consent would be for a temporary period of 5 years, I am not persuaded that the advertising hoarding would undermine the long-term regeneration plans for the area.
9. The various policies within the development plan to which the Council have referred, as well as the National Planning Policy Framework, have been taken into account as a material consideration. However, as the regulations require that decisions are taken only in the interests of amenity and public safety they have not been a decisive consideration in reaching my decision.

Conclusion and Conditions

10. For the reasons set out above I consider that the proposal would not result in any unacceptable impact on the visual amenity of the area. As a result, I consider that the appeal should be allowed.

11. As well as the standard conditions for advertisements, in the interests of highway safety conditions are required: to prevent the display of any advertisements that depict any images that resemble road signs or traffic signals and moving images; to ensure a smooth transition between images and the length of time images are displayed; to ensure that there are no error messages displayed in the event of a breakdown; and to restrict the levels of luminance, during hours of darkness and at other times, to ensure they respond to the ambient light levels.

Alison Partington

INSPECTOR