



Appeal Decision

Site visit made on 16 September 2022

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/B4215/Z/22/3302079

Land to the rear of 628 Oldham Road Manchester M40 8BA

- The appeal is made under Regulation 17 of the Town and Country Planning Act (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Wildstone Group against the decision of Manchester City Council.
 - The application Ref 133126/AOH/2022, dated 28 January 2022, was refused by notice dated 5 May 2022.
 - The advertisement proposed is the installation of a 48 sheet digital display sign.
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Decision

1. The appeal is allowed and express consent is granted for the display of an 48 sheet digital display sign 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:
 - i. The display shall not change more than once every 10 seconds and the use of message sequencing for the same product is prohibited.
 - ii. There shall be no moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs of any kind before during or after the display of any advertisement.
 - iii. The interval between each advertisement shall be 0.1 seconds or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods).
 - iv. The maximum level of luminance of the sign hereby permitted shall not exceed the maximum thresholds within that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).

Procedural Issues

2. Whilst the application refers to the removal of an existing poster advertisement display and the replacement with a digital display sign, there was no poster advertisement display on site. I have determined the appeal on this basis.
3. The Council amended the description of the proposal and I have used this description as it is more precise.

Main Issue

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

Reasons

5. The appeal site is adjacent to the rear wall of Nos 626/628 Oldham Road immediately adjacent to an unsurfaced car park between the carriageways of the A6010 Hulme Hall Lane and the A62 Oldham Road leading into and from Manchester City Centre. No 626/628 Oldham Road are commercial units within a small parade of similar units. There are a number of small advertising signs placed on the rear of these units and on the rear wall, primarily advertising the shop/commercial premises with which they are associated. At the front of the car park facing traffic travelling along Hulme Hall Lane is a large, modern, digital display screen. A further digital display panel is sited on the gable wall of No 622 Hulme Hall Lane, the end terrace of the commercial premises, adjacent to and at 90° to the highway near the A6010/A62 junction. The mixed commercial use within heavily trafficked roads is such that it is in the type of area where National Planning Practice Guidance ¹(NPPG) indicates that an advertisement panel would be permitted where it does not adversely affect the visual amenity of the area.
6. It would appear that this area has historically been an established location for advertisements and hoardings in particular, albeit without the benefit of any planning consents. There is no history of any discontinuance or enforcement action taken by the Council in respect of these advertisements, and the Council accepts that there has been an advertising panel on the site previously. The display sign would project some 3 metres above the perimeter wall. Whilst it would be larger and higher than the majority of the other signs and advertisements sited in this location, it would not be out of proportion in relation to the backdrop of the commercial units/premises. The commercial units/premises are not in themselves of any architectural significance and the display sign would screen part of their relatively featureless rear elevations. It would modernise and upgrade the nature of the advertising signs to be found in this area. As such the display sign would be viewed and sit comfortably within the backdrop of these buildings.
7. The display sign would not be readily visible in longer views due to the presence of the large digital display panel fronting Hulme Hall Lane. Whilst the display sign would be visible in closer views of the site it would be seen in the context of other advertisements and building features, road signage and street furniture. It would not stand out as unduly prominent or incongruous.
8. I acknowledge that the proposed digital display sign with changing images would be more noticeable than the advertising panels currently sited in this area. However digital displays in this location would not be unexpected given the nature of the radial entry route and the display signs already present in the immediate area. The brightness of the sign, together with the speed of change and transition between images could be controlled by conditions. These controls would prevent undue brightness and ensure the display sign would not be prominent or significantly at odds with the character of the area.

¹ Planning Practice Guidance Reference Paragraph 079 Reference ID:18b-079-20140306

9. Both parties have supplied previous appeal decisions in support of their case but I do not know the details of these cases. In any event each appeal must be considered on its own merits.
10. The Regulations require that decisions are made in the interests of amenity and public safety. The Council have raised no concerns about public safety and I would agree with their assessment. I have taken into account Local Plan Policies EN1, SP1 and DM1 of the Manchester Core Strategy and saved Policies DC15.1 and DC15.2 and E3.3 of the Unitary Development Plan for the City of Manchester which seek to protect amenity so far as they are material. Given that the proposal would not harm amenity the proposal does not conflict with these policies.

Conditions

11. The appellant has suggested a number of conditions. In addition to the standard conditions, I am attaching further conditions in respect of luminance, and the control and frequency of moving images which are necessary in the interests of amenity.

Conclusion

12. For the reasons outlined above, I allow the appeal.

K Winnard

INSPECTOR