



Appeal Decision

Site visit made on 28 November 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/B4215/Z/22/3305606

Land facing the railway embankment from Hollinwood Avenue adjacent to Moston Station M40 OJB

- 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 Network Rail against the decision of Manchester City Council.
 - The application Ref 133737/AOH/2022, dated 6 May 2022, was refused by notice dated 5 July 2022.
 - The development proposed is described as 48 sheet digital LED billboard to replace static back to back billboards on site, drawing and specification pack attached.
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Decision

1. The appeal is allowed and express consent is granted for the display of a 48 sheet digital LED billboard to replace static back to back billboards on site 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 additional conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect on amenity, with particular regard to the character and appearance of the area.

Reasons

3. The site lies to the north of Hollinwood Avenue which is a highly trafficked arterial road. The immediate area contains a mix of terraced and detached properties generally with commercial uses at ground floor level and with residential properties on the upper floors. Many of the commercial uses have illuminated fascias and projecting signs. A 48-sheet advertisement display (6 metres wide by 3 metres high) exists on the site at present. Immediately to its west is a railway embankment and railway bridge, whilst to the east is the side elevation of a mixed terrace of commercial and residential properties.
4. Both parties agree that the existing externally illuminated 48-sheet advertisements, which face both east and west, have existed on the site for over ten years. The proposals would involve the removal of the two 48-sheet displays and replacement with a single 48-sheet digital LED display, which would be visible only from the west. As there would be no digital LED display on the eastern side, there would be a reduction in the extent of overall advertisements across the site.
5. Whilst the site has an open visual nature, and is highly visible to traffic and pedestrians travelling on Hollinwood Avenue, the display of a large illuminated

48-sheet advertisement is already established in this location. The digital LED display would be located in the same position and would have the same dimensions as the existing 48-sheet display on the site. The proposal also involves raising the digital screen by approximately 0.4m when compared with the existing display, which the appellant has indicated is for general security purposes. This would not significantly increase its prominence, particularly as there would be a reduction in the extent of overall advertisement displays across the site. Consequently, it would not appear as an incongruous feature within the street scene.

6. The removal of the existing east facing display results in a reduction of advertisements, thereby protecting the visual amenity of the area and is capable of being secured through a condition. A condition suggested by the Council's Highway Authority in terms of precluding moving images, limiting luminance levels, restricting changes of display to no more frequent than every 10 seconds and by ensuring a black screen if the display malfunctions, would ensure the LED display would not be overly dominant within the streetscene.
7. Having regard to all of the above, I conclude that the proposed advertisement would not harm amenity, including the character and appearance of the site and the surrounding area. The proposal, therefore, does not conflict with Policies EN1, DM1 and SP1 of the Core Strategy Development Plan Document (2012) and Saved Policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan (1995). Amongst other things, these policies require that advertisement proposals respect and respond positively to existing buildings and the surrounding street scene. Neither would there be conflict with the design policies in the National Planning Policy Framework (2021).

Conditions

8. The Council's Environmental Health team objected to the proposal as the illuminated digital screen could cause light overspill and glare to the nearest residents. The new LED screen would be positioned facing away from the nearest residential property. I have applied a planning condition which will limit the luminance levels of the advertisement unit, which will also protect neighbouring residents from light overspill. The condition also controls the frequency of changes to the display and prevents the animation of advertisements.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed and express consent granted subject to the conditions set out.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The advertisement unit hereby granted consent shall not be used to display advertisements until the removal of the existing 48-sheet advertisements facing eastward has taken place in accordance with: Site Location Plan (YZ020301405901_001_A), Proposed Site Elevation (YZ020301405901_003_A) and Existing and Proposed Sign Specification (YZ020301405901_004_A) dated 17 January 2022.
- 2) The advertisement unit hereby granted consent shall comply with the following:
 - a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs. No individual advertisements shall be displayed for duration of less than 10 seconds and the change between advertisements shall be instantaneous with no visual effect between each advertisement.
 - b) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
 - c) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
 - d) The maximum luminance level of the advertisements displayed on the panel shall be no greater than 300cd/sq.m at during the hours of darkness (between sunset and sunrise), and no greater than 600cd/sq.m during daylight hours (between sunrise and sunset). The panel shall be fitted with a light sensor designed to adjust the brightness to changes in ambient light levels.
 - e) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.