



Appeal Decision

Site visit made on 2 February 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/B4215/Z/22/3313144

72 Rochdale Road, Manchester, M40 7PN

- 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 Group Limited against the decision of Manchester City Council.
 - The application Ref 134799/AOH/2022 dated 15 August 2022, was refused by notice dated 21 October 2022.
 - The development proposed is replacement of existing poster advertisement display with internally illuminated D-Poster.
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Decision

1. The appeal is allowed, and express consent is granted for replacement of existing poster advertisement display with internally illuminated D-Poster as applied for. The express 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) (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;
 - (b) No individual advertisements shall be displayed for duration of less than 10 seconds;
 - (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel;
 - (d) The display panel 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 so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation;
 - (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours/inclement weather.

Main Issue

2. The main issue is the impact of the proposal upon the visual amenity, character, appearance and ongoing regeneration of the surrounding area and the street scene.

Reasons

3. The appeal site is located on land adjacent to Osborne House near to the junction of Rochdale Road and Osbourne Street as illustrated on the site location plan. Rochdale Road is a major route which I noted to be very busy as a result of its connection between the City Centre and neighbourhoods within North Manchester. The proposal is within a highly visible location, with a mix of land uses in the vicinity, as you would expect for the desired location of advertisement displays by their very nature and purpose. In addition, I found that there were a notable number of advertisements and examples of signage which are an established characteristic within the general area around the appeal site along Rochdale Road.
4. The proposal is for the installation of an internally illuminated hoarding sign. At the time of my site visit I noted that there is an existing paper and paste advertisement hoarding at the appeal site which is backlit via tube lighting. Based upon the evidence before me there are no conditions which require it is to be removed. The submissions of both parties confirm that this existing advertisement would benefit from deemed consent, having been in place for more than ten years. I have no evidence to conclude differently on this point. If this appeal was to fail, I find it is relevant to consider that the existing advertisement would remain in place at the appeal site.
5. I also note that permission was previously granted¹ at the appeal site for replacement of existing the 48-sheet advertising display with a 48-sheet digital internally illuminated LED display sign. This was followed by an appeal² which allowed the removal of condition two (which limited consent to five years and required removal of the advertisement after this time). A copy of this decision notice and the appeal are before me within submissions. It is confirmed that this permission was never implemented which is why the proposal before me was resubmitted for express consent.
6. The Council contend that the proposal would conflict with the broader aims for regeneration of South Collyhurst, in line with the objectives of the Strategic Regeneration Framework (SRF) for Manchester's Northern Gateway. It is clear from the comments before me, as well as the previous Inspector's comments for this site, that the area is one which would look to be regenerated in accordance with the development plan and this could, in turn, result in changes to the character and appearance of the area in the future. The Council's report references varying parts and quotations from the SRF, however, no copy of the SRF has been submitted as part of this appeal.
7. No specific details of such objectives, or plans for regeneration, are outlined or evidenced before me within this appeal. There is insufficient evidence to support that consent should not be granted as a result unspecified future plans for the area. In a similar vein, in the event this appeal is allowed, there is no planning reason provided nor any evidence to support a condition requiring the proposal is removed after a defined time period based upon similar matters surrounding potential regeneration of the area. Again, as noted by the previous Inspector, if the advertisement does, in the future, cause substantial injury to amenity the Council would likely be able to address this through discontinuance action via the Regulations.

¹ 114372/AOH/2016

² APP/B4215/H/17/3166591

8. At the time of my site visit I found the existing advertisement board, and immediate area around the appeal site, to be of poor quality appearance. I find that the proposal would represent an improvement in appearance along Rochdale Road and would contribute, albeit in a small way, to the improvement of the visual amenity of the area as a result of a tidier and more modern form of advertising which is becoming more common place in such locations. The scale of the proposal is entirely comparable to the existing paper and paste advertisement hoarding currently in place (6.00m x 3.00m³) with the exception of the wider base upon which the screen would stand. I do not, however, find that the wider base supporting the proposed screen would result in inappropriate scale and form which would be overbearing or intrusive. The changes of advertisements themselves, and lighting itself, could be controlled via condition which is noted by the appellant.
9. I find that the proposal is appropriate in size, location and appearance and is acceptable with regard to amenity. The proposal is consistent with the general advertisements which are characteristic of the area and would result in an improvement to the appearance as a result of the existing, comparably sized, boards replacement. The proposal would not result in an incongruous or obtrusive feature, and I do not find there would be detrimental impact, nor that unspecified future plans for regeneration would warrant withholding consent.
10. The proposal would be consistent with Core Strategy Development Plan Document 2012 (CS) Policy DM1 which requires that development should have regard to the character of the surrounding area and consider the effects on amenity and road safety and the overarching principles of CS Policy SP1 which outlines key spatial principles. The proposal would also be consistent with Saved Unitary Development Plan for the City of Manchester 1995 (UDP) Policy DC15.1 which confirms advertisements should only be considered in the interests of amenity and public safety. The proposal is consistent with the matters outlined within a. – j. (inclusive) insofar as they seek to ensure an appropriate location and consider general effect on visual amenity and UDP Policy DC15.2 which requires that proposals should be in scale with the locality and relate properly to the site on which they stand.

Other Matters

11. Whilst I note the Council's wider assessment of the proposal, I would reiterate that, for this type of proposal, the basis for assessment is set within the regulations and is specifically limited to amenity and public safety only. I have assessed the proposal before on this basis taking into account the evidence submitted.
12. Section 12 of the National Planning Policy Framework 2021 (the Framework) relates to design which is of limited relevance. No copy of CS Policy EN1 (Design Principles and Strategic Character Areas) is provided within this appeal. Policy E3.3 is noted within the Council's report, however, is not referenced within the refusal reason.
13. Section 16 of the Framework relates to conserving and enhancing the historic environment and no information as to the relevance of this is made by the Council with regard to heritage assets either at the appeal site or within the vicinity. The Council's report and appeal questionnaire both confirm that Listed

³ Existing and Proposed Elevations PA 04

Building(s) and Conservation Area are not applicable to the site nor is the site adjacent to a Conservation Area.

Conditions

14. The Council's questionnaire confirms that they do not consider that any condition other than the five standard conditions set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 should be imposed if express consent as applied for is granted. In addition to this I have applied the conditions suggested by the Highways Consultee for the avoidance of doubt, to control the proposal in accordance with the submitted details and in the interests of public safety and visual amenity.
15. I note that the appellant has offered to accept a condition limiting the level of illumination during hours of darkness to 150cd/sq.m, however, I have no evidence nor specific and relevant planning reasons before me that supports such a condition against the industry standard of 300cd/sq.m. I have not included a condition requiring removal of the existing advertisement as part of consent being granted as it is evident that the new advertisement cannot be installed without its removal to allow the proposed replacement.
16. The appellant's application form confirms consent is sought for five years and under the terms of the Regulations the consent would expire at the end of five years. The continued display of the advertisement after that could go on to benefit from deemed consent but this would depend on there being no successful pursuit of discontinuance action to secure its removal. As a result of this, and the fact that the previous appeal relating to the removal of a condition of this exact nature is a material consideration, I have not applied a condition requiring removal of the proposal at the end of this period.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR