



Appeal Decision

Site visit made on 14 February 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/B4215/Z/22/3303626

Land to the north of Thompson Street, Ancoats, Manchester M4 4BW

- 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 133257/AOH/2022, dated 15 March 2022, was refused by notice dated 31 May 2022.
 - The proposal is described as the replacement of existing 96-sheet externally illuminated billboard with a 48-sheet internally illuminated digital billboard.
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Decision

1. The appeal is allowed, and express consent is granted for the replacement of an existing 96-sheet externally illuminated billboard with a 48-sheet internally illuminated digital billboard 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 6 additional conditions:
 1. 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.
 2. No individual advertisements shall be displayed for a duration of less than 10 seconds.
 3. Controls shall be in place to ensure the smooth uninterrupted transition of images displayed on the panel.
 4. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 5. 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.
 6. The maximum luminance level of the advertisements displayed on the panel shall not exceed 600cd/m² during daylight hours and 200cd/m² during non-daylight hours and inclement weather.

Preliminary Matter

2. The Council has cited the National Planning Policy Framework (the Framework), Policies DC15.1, DC15.2 and E3.3 of the City of Manchester Unitary Development Plan and Policies EN1, SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document in its decision notice. Whilst I have had regard to these as material considerations,

the control of advertisements is exercisable only with respect to public safety and amenity. Consequently, these have not, themselves, been decisive in my determination.

Main Issue

3. In this case the Council has no objection over safety. From the evidence before me and my site inspection I have no cause to dispute that assessment. The main issue is therefore the effect of the appeal proposal on amenity, with particular regard to the character and appearance of the street scene.

Reasons

4. The appeal site is currently occupied by an externally illuminated, 96-sheet poster style hoarding. It is located to one end of Thompson Street, bounding part of a neighbouring secure carpark, within the Ancoats area of the city.
5. The prevailing features of this part of the city which define its character and appearance are its urban grid layout and emerging contemporary street scene accommodating a mix of commercial and upper floor residential uses. In the absence of any precise details of any further regeneration activity proposed in this part of Manchester, my assessment is limited to the character and appearance of this existing street scene.
6. Being on a route which links the A664 with the A62 the appeal site's main receptors are pedestrians, occupiers of passing vehicles and future occupants of the buildings under construction opposite.
7. Alike the existing hoarding, the appeal proposal would be illuminated. However, the appeal proposal would be significantly smaller in area than the existing advertising hoarding by virtue of its reduced width. The introduction of changing images would be another key differential which would be likely to draw greater attention to the advertisement, which is its very purpose.
8. The existing high wall which bounds much of the neighbouring car park and the orientation of the appeal proposal relative to the footway and carriageway mean that its visibility would be confined to medium and short distance vantage points on approach along Thompson Street from the A62. Visibility from surrounding buildings would be limited to oblique views of the proposed digital screen.
9. It is proposed that the changeover between adverts would take place instantly with no fading or other effects. I am satisfied that these matters could be controlled by appropriately worded conditions to ensure that any effect of transitioning of imagery would be momentary.
10. The submitted evidence confirms that the appeal proposal would be controlled by light sensors to vary the brightness of the screen according to the brightness of the day. Existing street lighting lines Thompson Street, providing a degree of illumination beyond the existing hoarding's externally derived source of illumination. The appellant's evidence demonstrates that at a brightness of 200 cdm² during the post-curfew period, the appeal proposal would fall well within the ILP guidance for pre- and post-curfew levels of light at residential windows and would therefore pose no risk of causing light to filter into any neighbouring residential properties. As suggested by the appellant, these levels could be controlled by a condition in the interests of amenity.

11. The submitted evidence does not demonstrate that there would be any perceivable differential in lighting levels from the appeal proposal to any of its receptors. An appropriate level of light omission would arise for this particular street scene.
12. Overall, I am satisfied that the quality of the static illuminated image which would be produced by the appeal proposal would adequately mimic a traditional externally illuminated poster board so as not to present as an alien feature in this particular street scene. The appeal proposal would appear more modern than the current hoarding. However, this would align with the emerging surrounding contemporary built context of this part of the city.
13. The main parties' evidence indicates that the existing billboard benefits from deemed consent. Moreover, the appellant has indicated that this would be retained if the appeal is dismissed. I am satisfied that there is a realistic prospect of that. Although both the existing and proposed advertisements are illuminated, the appeal proposal is significantly smaller in area than the existing hoarding. Consequently, in comparison the appeal proposal would have a much lesser visual presence within this particular street scene than the current hoarding. This weighs heavily in favour of the appeal proposal.
14. By virtue of its location, size, orientation, display and illumination the appeal proposal would not present as an unduly domineering or obtrusive feature which would overwhelm its receptors. As such it would not appear intrusive or out of place within its particular urban city street scene. Overall, there would be no harm to the amenity of any of the identified site receptors. In the absence of harm, I do not find that the appeal proposal would undermine the Council's work to raise the visual amenity of the area through its regeneration activity.
15. Although the main parties have cited a number of decisions, none of these relate to this particular street scene context or raise other matters which influence my site-specific assessment. Therefore, these attract very limited weight in supporting the main parties' respective stances.
16. For these reasons, the appeal proposal would not be harmful to amenity, with particular regard to the character and appearance of the street scene.

Conditions

17. In addition to the standard conditions for advertisements, including the 5-year display period, conditions which would control the nature and frequency of the content to be displayed are necessary in the interests of safeguarding existing levels of amenity and public safety.
18. The appellant has also indicated that they are accepting of conditions which limit the time during which the display panel is operational and the level of illumination to a level falling below the industry standard. As I have already found that the level of illumination should be necessarily restricted during the post-curfew period in the interests of amenity it is unnecessary to control the display times through a condition.

Conclusion

19. For the reasons given above and subject to the conditions prescribed in paragraph 1 of this Decision, I conclude that the display of the proposed

advertisement would not be detrimental to the interests of amenity or public safety and should therefore be allowed.

C Dillon

INSPECTOR