



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/22/3303541

Land on the roundabout of Kingsway and Moseley Road, Manchester M19 2LL

- 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 133136/AOH/2022, dated 3 March 2022, was refused by notice dated 26 May 2022.
 - The advertisement proposed is described as a 48-sheet digital LED billboard, specifications included in drawing and plan pack.
-

Decision

1. The appeal is allowed, and express consent is granted for the installation of a 48-sheet digital LED billboard following the removal of two existing hoardings. 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:
 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 300cd/m² during non-daylight hours or inclement weather.

Preliminary Matter

2. The description of the proposal contained within the Council's decision notice differs to that cited by the appellant in their application form. I have relied upon the former for the purposes of paragraph 1 of this Decision as the appellant has raised no objection to the description used in the Council's

publicity and it provides greater clarity of the proposal. In doing so I am satisfied that no parties' interests would be prejudiced.

3. The Council has cited the National Planning Policy Framework (the Framework), saved policies E3.3, DC15.1 and DC15.2 of the City of Manchester Unitary Development Plan and Policies EN1, SP1 and DM1 of the 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 policies have not, themselves, been decisive in my determination.

Main Issue

4. In this case the Council has raised 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 whether or not the appeal proposal would harm amenity, with particular regard to the character and appearance of the area.

Reasons

5. The appeal site is situated at the foot of a railway embankment which directly fronts a roundabout on part of the City's main radial road network. The surrounding road network, commercial and residential properties coupled with existing commercial signage and 3 other advertisement hoardings at and in the vicinity of the appeal site convey an active urban, mixed-use character and appearance for this part of Manchester. The appeal site does not fall within the context of any designated heritage assets.
6. The character of the appeal site itself is heavily influenced by the 2 existing externally illuminated, static, 48 and 96-panel billboards which stand side by side within it. Their position to one side of the roundabout means that upon approach they are visible in this particular street scene from short and medium distance views. These 2 particular hoardings are to be removed to accommodate the appeal proposal. This will represent a net reduction in hoardings in this locality.
7. In terms of size and scale, the appeal proposal will be considerably narrower than the combined width of the 2 existing advertisement hoardings. In terms of positioning, the appeal proposal will not extend beyond the outermost limit of the 2 existing hoardings and will be no closer to the public highway. Moreover, the appeal proposal will not exceed the finished height of those existing advertisements and would be read within a backdrop of tree canopies. Neither will it extend above the summit of the adjacent railway embankment.
8. In terms of design and appearance the appellant is seeking to upgrade their current advertising stock to a digital poster format which will display multiple static advertisements on rotation. The appellant has provided evidence to confirm that this type of advertising infrastructure is not alien to the City's streets.
9. The proposed digital display will present static images only and changes between advertisements can be managed by a suitably worded condition to ensure that they take place instantaneously with no rapid changes, sequencing, fading, swiping, or merging of images. Diagnostics software will report any faults and turn the content black pending repair.

10. As the appeal proposal is of a digital format, the LED means of illumination differs to that of the existing hoardings. I am satisfied that the level of luminance can be controlled so that it will adjust according to real time ambient lighting conditions to avoid over illumination. Moreover, a suitably worded condition would ensure that the luminance level during the hours of daylight and darkness does not exceed the Institute of Lighting Professionals 'The Brightness of Illuminated Advertisements PLG 05' guidelines of 600 cd/m² and 300cd/m² respectively within urban and suburban areas. This would be read within the context of the existing street lighting. Consequently, I am satisfied that it would not result in over illumination or be unduly discernible for occupiers of neighbouring properties and passers-by from that of the existing hoardings in-situ.
11. Overall, therefore, the design and appearance of the appeal proposal provides a contemporary advertising solution for the site which facilitates an advertisement which visually is not significantly dissimilar to a poster format. It will be no closer to existing residential properties than the existing hoardings.
12. I accept that the proposed digital format proposed has scope to overcome many of the ongoing maintenance issues which I observed during my visit to the appeal site which conveys a tired appearance which detracts from the visual amenity of the existing street scene. Moreover, the appeal proposal will significantly rationalise both the number and area of advertising space. In turn, it will reduce the proliferation of advertisements which exists within this particular locality.
13. Crucially, although the appeal proposal will occupy a commanding position on this main route, advertising hoardings are an established characteristic of this well-trafficked and trodden urban mixed-use area. The appeal proposal will be less intrusive than the advertisement structures it would replace by virtue of its scale and positioning, despite its more dynamic digital format.
14. For these reasons, I do not find that the appeal proposal is an unduly obtrusive, over dominant feature which is incongruous in its context or is prejudicial to the visual amenity of occupiers of neighbouring properties or users of the local highway network. Therefore, the appeal proposal will not be harmful to amenity, with particular regard to the character and appearance of the area.

Other Matter

15. The Local Highway Authority has not corroborated the interested party's concerns about highway safety and no evidence has been submitted to substantiate this concern. Advertising hoardings are already a feature of this locality, and the content can be managed so that it will change seamlessly. Consequently, and from my own site observations, there is no cause for me to dispute the Council's assessment in this regard which led it to conclude that the appeal proposal will not be harmful to highway safety.
16. In view of my findings, overall, there is no conflict with the Framework or the development plan when taken as a whole.

Conditions

17. In addition to the standard conditions for advertisements, including the 5-year display period, conditions which would control the nature, luminance,

transitioning and frequency of the content to be displayed are necessary in the interests of safeguarding existing levels of amenity and public safety.

Conclusion

18. 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 subject to this appeal would not be detrimental to the interests of amenity or public safety. Therefore, the appeal should be allowed.

C Dillon

INSPECTOR