



Appeal Decision

Site visit made on 16 May 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/B4215/Z/23/3315292

619-627 Rochdale Road, Manchester, M40 7XH

- 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 135311/AOH/2022, dated 20 October 2022, was refused by notice dated 16 December 2022.
 - The advertisement proposed is the removal of existing 1no. 48 sheet and 1no. 96 sheet advertising billboard and replacement of 1no. 48 sheet and 1no. 96 sheet digital advertisement hoardings to display static advertisements on rotation.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance (the PPG) reiterate this approach. Therefore, while I have referred to some of the policies and guidance that the Council considers to be relevant to this appeal, these have not been decisive in my determination of this appeal.

Reasons

3. The main issues in this appeal are, therefore, the effect of the proposed advertisement on:-
 - amenity;
 - public safety.

Amenity

4. The advertisement regulations state that factors relevant to amenity include the general characteristics of the locality. The Framework says that the quality and character of places can suffer when advertisements are poorly sited. The proposed signs would be sited on a small area of grassed open space bounded by Rochdale Road and Queens Road which intersect at a busy road junction that dominates the area. I saw at my visit that this part of Rochdale Road, a wide six lane carriageway which forms a main radial route into the city centre, is predominantly commercial in character with small commercial premises on this side of the road and the large building of the Manchester Communication

Academy on the opposite side of the road. The western part of Queens Road has a residential character and the appeal site is overlooked by dwellings on the opposite side of that road. The site lies to the side of a building which contains a hot food takeaway business fronting onto Rochdale Road and that the Council says also comprises two residential units. Those dwellings do not have windows overlooking the site.

5. There are a number of existing digital signs within this area as well as numerous street lamps and highways signs. Set back from the road, to the south of the takeaway business is a very large digital sign whose planning status I have not been made aware of. There are also two digital signs sited on open land on the opposite side of Rochdale Road which were granted consent in August 2019. One of those faces the junction.
6. The appeal site contains two existing free standing advertisement hoardings. The appellant says that those have been there for over 10 years and benefit from deemed consent. The proposed signs would replace the two existing billboards and would be of the same size, situated roughly in the same place, albeit with a slight variation in the siting of one poster. The larger sign (referenced C on the plans) would face Rochdale Road and the junction, whilst the smaller sign (D on the plans) would face the western part of Queens Road. The proposal also includes the landscaping of the area with grass and wildflowers. The digital images would be static and would change every ten seconds, controlled by light sensors for daytime brightness and at 300cd/m² at night for the sign facing Rochdale Road and 150cd/m² for the sign facing Queens Road would be within the guidelines set by the Institute of Lighting Professionals (ILP) in PLG05.
7. I have noted that the site is allocated for commercial/business use in the Unitary Development Plan for the City of Manchester (1995) (UDP) and that policy EC4 in the LDF Core Strategy DPD (2012) (CS) sets out the Council's economic vision for the area. It also lies within the area covered by the Council's more recent Northern Gateway Strategic Regeneration Framework (Feb 2019) which seeks to encourage residential-led regeneration activity and identifies that key junction improvements are needed to support safe pedestrian movement and an enhanced public realm. Whilst this does not form part of the development plan, it is an important, albeit non-determinative, material consideration in this appeal.
8. The digital images would not be seen in the approach along Rochdale Road from the south. From the north, the larger sign would be clearly seen. Although it would be seen in the context of the consented digital sign opposite and with street lighting and lighting from nearby buildings, it would introduce changing, illuminated images which would be more noticeable, particularly at night time than the existing sign. As it would be seen within the same context as the other digital sign on the opposite side of the road, it would increase the level of advertisement clutter. This would not accord with the Council's aims of enhancing the public realm at key junctions.
9. Moreover, the smaller sign would be seen clearly from the western, residential part of Queens Road and from dwellings there. I have noted that the Council has not objected specifically to the impact on residential amenity and that views from those dwellings would be at an angle. The Appellant is willing to agree to conditions controlling the brightness of the advertisement display from

Queens Road to be 150cd/m² (2%) at night-time and to switch the display off between the hours of 00:00 and 06:00, which is below the industry standard defined by the ILP's guidance in PLG05 and is consistent with other consents in the city referred to by the appellant. However, I am not persuaded by the appellant's evidence in Appendix 4 which shows a comparison of a digital sign and non-illuminated poster as it shows only one point in time in a different location. From my observations at my visit where I was able to see the existing poster in the same context as part of the large digital sign to the south of the site, the digital sign appeared significantly brighter. I am not persuaded that the suggested conditions would satisfactorily mitigate the visual intrusion from the introduction of changing, illuminated images into this residential road.

10. Although the proposal would improve the appearance of the site by reason of the removal of old hoardings and the fence to which they are attached, as well as to a small degree by reason of the proposed landscaping, I am mindful that the Council could seek discontinuance action against those advertisements at some point in the future if it chose and the benefit of site enhancement therefore carries only limited weight which does not outweigh the harm that would be caused.
11. I conclude then that the proposal would cause significant harm in terms of amenity, contrary to development plan policies DC15.1 and DC15.2 of the UDP which together seek to ensure high quality design on major routes and that advertisements do not intrude into residential neighbourhoods and avoid cumulative effects. It would also be contrary to the Framework.

Public safety

12. National policy in the Framework states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety'.
13. The appeal site is in a very busy location at the junction of two gateway routes into the city. It is a complex signal-controlled crossroad junction serving four junctions and including pedestrian facilities and speed cameras. I have noted that these are straight roads and that there would be no overlap with the signal heads at a stopping distance of 43m. The appellant maintains that the images will change instantly with no sequencing, fading, swiping or merging of images in order to minimise the potential for driver distraction.
14. The sign facing Rochdale Road would be seen by drivers approaching from the north and would be seen within the same context as one of the existing approved signs on the opposite side of the road. That would also be the case for drivers approaching the junction from the east on Queens Road outside the college. At a certain point on Queens Road when approaching from the west, the sign facing Queens Road would also be seen within the same context as one of those signs.
15. The appellant's Highway Technical Note includes a review of accident data in the vicinity over the last five years. It documents that nine accidents have occurred around the junction where the existing billboards were in full or partial view. I have noted that those form a small percentage of the total volume of traffic and that none of those accidents included driver distraction as a contributory factor. However, it remains a significant number and, in any case,

the existing billboards do not have same potential for distraction as the changing images of the proposal.

16. Eleven accidents occurred in locations which were in view of the existing digital advertising signs present at the junction. As five of those occurred between 2017 and 2019, prior to the erection of the digital signs, with six occurring between 2020 and 2022, the appellant's evidence does not indicate that the introduction of digital signs has resulted in a significant increase in the rate of accidents occurring at this location as a result of added driver distraction.
17. Nonetheless, the proposal would increase the potential for distraction here by reason of additional changing images up to once every ten seconds and the distraction would be on both sides of the junction rather than just one side as at present. Whilst digital signs are a common feature of many urban roads and drivers have to assimilate sensory inputs from multiple sources, drivers from out of the area are not necessarily aware of the surrounding traffic movements in this area and at my visit I witnessed some confusion from drivers at the junction. Despite the conditions suggested by the appellant, on the basis of what I saw at my visit, the proposal would nevertheless cause a distraction to drivers and cause conflicts between road users in a very busy location where particular care is needed.
18. There may be some similarities with the examples of digital signs in other areas that the appellant has referred to but I have insufficient evidence to conclude that those are directly comparable with this case. The circumstances of each site are unique and those examples do not alter my findings here in which there would be two digital signs within view at the same time.
19. I conclude, therefore, that the proposal would cause an unacceptable hazard to public safety and would in this regard be contrary to development plan policy DM1 of the CS which seeks to ensure that all development has regard to road safety, and to national policy in the Framework.

Other matters

20. The appellant has suggested that the proposal would ensure a number of benefits, including a reduction in vehicle trips for reposting paper adverts, eradicating the need to print posters and avoiding the associated waste involved in the production process, the ability to broadcast emergency messaging, the ability to use void periods for non-commercial campaigns, the opportunity for more creative real time and locally relevant advertising and the opportunity to integrate additional hardware to meet the Smart City objective.
21. Whilst that might be the case, some of those are minor matters and there is little substantive evidence of the benefits that would arise. In any case, those matters do not outweigh the significant harm that would be caused.

Conclusion

22. I conclude that the proposal would result in significant harm to amenity and public safety and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector