

Appeal Decision

Site visit made on 22 May 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2023

Appeal Ref: APP/B4215/Z/23/3321248

1184 Rochdale Road, Manchester M9 6ER

- 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 Global against the decision of Manchester City Council.
 - The application Ref 135984/AOH/2023, dated 16 January 2023, was refused by notice dated 14 March 2023.
 - The proposal is to upgrade the existing poster panel to a digital poster panel.
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Decision

1. The appeal is allowed and express consent for a digital poster panel as applied for is granted. 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) The advertisement hereby permitted shall be installed in accordance with the approved plans: MNC-045/001 - 004.
 - 2) The intensity of the luminance of the advertisement shall be no greater than 300 cd/sqm during the evening/night-time. The advertisement shall be equipped with a control mechanism which shall constantly monitor ambient light conditions and adjust brightness accordingly. Images displayed shall not change more frequently than once every ten seconds. The interval between successive displays shall be instantaneous (0.1 seconds or less) and shall not at any time be intermittent. The screen display shall contain no moving images, animation, video or full motion images or any images that resemble road signs or traffic lights. A mechanism shall be in place so that if the installation breaks down, it defaults to a black/blank screen.

Main Issue

2. The main issue is the effect on amenity.

Reasons

3. The proposal would replace the existing illuminated paper poster display with an electronic display of the same size. The sign is affixed to the end gable of a terrace of properties on Rochdale Road. Although this property is residential, the terrace includes mostly commercial properties. The advert faces the busy and wide controlled junction which is dominated by the scale of the road
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infrastructure and its associated barriers, islands and other street furniture and signage. There are commercial properties to all sides.

4. The digital sign would be more noticeable, particularly in low light levels given its changing adverts and its more vivid and brilliant colours. Given the predominantly utilitarian appearance and characteristics of this junction however, the increased prominence of the illuminated display would not significantly alter the overall characteristics of this road junction. Its compact form and neater appearance would offer some benefits compared to the appearance of the paper display. Overall, in these particular circumstances, the changes proposed would not result in harm to visual amenity.
5. The Regulations, the *National Planning Policy Framework* and the *Planning Practice Guidance* require that decisions are made only in the interests of amenity and public safety. Public safety has not been raised as a concern subject to conditions. I note the council's reference to the development plan policies. These cannot be decisive but I have taken them into account as material considerations in my determination of the appeal. Given my main conclusion, I do not find conflict with the general design objectives of policies EN 1, SP 1 or DM 1 of the Core Strategy 2012; or policy E3.3 of the Unitary Development Plan for the City of Manchester 1995 (UDP). I also find no conflict with the more specific requirements of UDP policies DC15.1 and DC15.2.
6. In conclusion, the proposal would not result in harm to amenity. I am not satisfied that there are any other matters that weigh significantly against it. I therefore allow the appeal.
7. The Regulations impose five standard conditions. I have also included the additional conditions suggested in the interests of certainty and as they relate specifically to LED displays and would be necessary to ensure that highway safety would not be prejudiced.

Peter Eggleton

INSPECTOR