



Appeal Decision

Site visit made on 21 June 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/B4215/Z/23/3319496

Land at Universal Building, 37-49 Devonshire Street North, Manchester M12 6JR

- 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 Mr Darren Alderson (Billboard Advertising Limited) against the decision of Manchester City Council.
 - The application Ref 136024/AOH/2023, dated 18 January 2023, was refused by notice dated 9 March 2023.
 - The advertisement proposed is the installation of 2x externally illuminated 48 sheet signs and 1x internally illuminated LED 96 sheet sign
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the decision notice as it more succinctly describes the proposal.
3. I have taken the address in the banner heading above from the appeal form as it more accurately describes the location of the proposal.
4. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal, and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance reiterate this approach.

Main Issue

5. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on these matters.
6. Therefore, the main issue is the effect of the advertisement on the amenity of the area with particular regard to visual amenity.

Reasons

7. The appeal site is at the junction of Devonshire Street North and Higher Ardwick in a predominantly commercial area and close to a railway bridge. The

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

advertisements would form part of the boundary of the site to the front of Universal Building, a five-storey warehouse building, and would be visible to traffic and pedestrians travelling along the Chancellor Lane towards the site.

8. At the time of my site visit the advertisements there were no advertisements at the site and it is argued that this proposal would replace advertisements that were previously in situ. Be that as it may, the proposal must be assessed on its own merits and due to its digital LED illumination the 96-sheet advertisement would be noticeably different to the previous advertisements. The intermittent changing of the illuminated displays would significantly attract attention, accentuating their visual prominence in the street scene, where it would introduce an incongruous form and size of advertisement.
9. My attention has been drawn to an appeal decision for advertisements at the same site. Whilst I do not have the full details of this before me, it would appear that it involved the removal of a 96-sheet externally illuminated advertisement to be replaced with a 48-sheet LED advertisement, with 3 additional 48-sheet externally illuminated advertisements remaining. It is not directly comparable to the appeal proposal due to the size and LED illumination of the additional 96-sheet advertisement when compared to the 48-sheet advertisement in the previous appeal. In any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.
10. Consequently, taking all the above into consideration, I conclude that the proposal would result in unacceptable harm to the visual amenity of the area. It would be contrary to guidance on advertisements within the Framework and the aims of Policies EN1, SP1 and DM1 of Manchester's Core Strategy (2012) and DC15.1 and DC15.2 of the Manchester Unitary Development Plan (1995) which, although not decisive and vary slightly in their wording, collectively seek to ensure proposals do not harm the character of the area.

Conclusion

11. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

H Senior

INSPECTOR