



Appeal Decision

Site visit made on 4 September 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/B4215/Z/23/3320504

Land at Fairfield Street (off William Street), Manchester M12 5FX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) 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 135880/AOH/2023, dated 19 December 2022, was refused by notice dated 28 February 2023.
 - The development proposed is conversion of 5no. externally illuminated advertising displays to one Portrait D-Poster digital slimline advertising display.
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Decision

1. The appeal is allowed and express consent is granted for the display of advertisement 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 additional conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela/m² during hours of darkness.
 - 2) The minimum display time for each advertisement shall be 10 seconds and the screen display shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement. The display will include a mechanism to freeze the image in the event of a malfunction. The screen display shall not contain moving images, animation, intermittent, video or full motion images, or any images that resemble road signs, traffic lights or traffic signs. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. The light sensor shall remain operational for the lifetime of the advert.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the surrounding area.

Reasons

3. Planning Practice Guidance (PPG) advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main

highways, and where the advertisement would not adversely affect visual amenity¹.

4. The appeal site is adjacent to the major traffic light control junction between the A635 Fairfield Street and the A635 Mancunian Way. These roads form part of an important route to and from the city centre. Nearby are a range of uses including a self-storage facility, car garage and a Currys clearance store. Thus, the area is primarily characterised by busy, major roads as well as commercial and industrial uses. As a result, the appeal site is located within an area where the PPG generally supports advertisements.
5. There are a large number of advertisements within the locality. These include the five landscape displays which would be replaced with a single portrait display as part of the proposed scheme, as well as numerous other large digital advertising displays. There are also smaller freestanding advertising units. Consequently, advertisements are a key feature of the surrounding area.
6. The Council highlights that the siting of a replacement signage has previously been considered unacceptable². Limited information has been provided relating to that application. Nonetheless, that application related to the erection of an advertising sign following the removal of two advertisement displays, whereas the scheme before me would replace five advertisement displays.
7. In 2019 an appeal³ was allowed, and express consent was granted for two illuminated digital advertisements boards close to the appeal site. These were also for portrait displays of near identical size, scale, elevation, and height above ground level to that proposed. The appellant states that the adjacent scheme would not be built out should the proposal before me be granted express consent. The appellant has also drawn my attention to similar applications⁴ located elsewhere, and I observed similarly sized portrait displays next to major roads whilst travelling to the appeal site. However, I do not have full details of those cases to make a direct comparison, and the context of the sites differ. Therefore, I have determined the appeal on its own merits.
8. The proposed advertisement would be portrait and would be taller and larger than the nearby landscape billboards. Having said that, in this location, the signage's height would not be excessive, and its scale would not be significantly greater than other nearby advertisements. The proposal would see a notable reduction in advertising displays and advertising content. Thus, the display would not appear disproportionately large taking into account the local characteristics of the area and removal of the five advertising displays. Furthermore, the signage would not add to the proliferation of signage or result in visual clutter due to the reduction in advertisement displays, distance between existing displays and orientation.
9. The proposed signage would have a digital display and would be visible from adjacent major roads. The existing billboards are externally illuminated and there are examples of digital display advertisements within the vicinity of the site. A planning condition could ensure that the intensity of the illumination is appropriate for the location.

¹ Paragraph: 079 Reference ID: 18b-079-20140306

² 120221/AOH/2018

³ APP/B4215/Z/19/3236553

⁴ Including 098081/AOH/2011/N2 and 098578/AOH/2012/S1

10. Considering the characteristics of the area (including uses, main highways and advertisements form part of the character), the proposed scheme would result in a reduction of advertising displays and subject to planning conditions, the proposal would not appear unduly prominent or obtrusive. Consequently, the D-poster display would not harm the character and appearance of the area or undermine local regeneration.
11. For the reasons given above, and taking into account the size, location, design and appearance of the proposed and existing advertisements, the proposal would not have an unacceptable impact on the amenity of the surrounding area. In accordance with the Regulations, the provisions of the development plan, so far as they are material, have been considered. Since the proposed advertisement would not have an unacceptable impact upon the amenity of the area, the scheme would meet with the aims of Policies EN1, DM1 and SP1 of the Manchester's Local Development Framework: Core Strategy Development Plan Document (2012), saved policies DC15.1 and DC15.2 of The Manchester Unitary Development Plan (1995), and paragraph 136 of the National Planning Policy Framework.

Other Matters

12. The Council state in their officer's report that the illuminance of the advertisement is likely to be a distraction to pedestrians and other road users. This concern is not included within the reason for refusal or within the conclusion section of the officer's report. Highways Services provided comments on the application (including in relation to the level of luminance not being acceptable and impact on the traffic signals), but ultimately did not object to the application and recommended planning conditions. Environmental Health also did not object to the application and recommended similar conditions. Based on the evidence presented, I am satisfied that, subject to conditions, the proposal would not harmfully distract pedestrians or other road users and would not have an unacceptable impact upon public safety.
13. The appeal site falls within land safeguarded for construction/operation of Phase 2b of HS2. HS2 Ltd did not object to the proposed advertising signage but have set out the implication of the site being located within limits of land subject to formal HS2 Safeguarding Directions, and as a result the site may be compulsorily purchased. The Council has not raised any concerns in relation to this matter, and I see no reason to disagree.

Conditions

14. I have considered the conditions suggested by the Council, the appellant and within consultation responses. The suggested conditions have been assessed in light of guidance found in the PPG and where necessary the wording has been amended for clarity and precision.
15. In addition to the five standard conditions set out in the Regulations, in the interest of public safety and amenity, I have imposed conditions controlling the illumination, display of advertisements, sequencing and length of displays, as well as requiring the display to freeze in the event of any malfunction. The level of luminance would be limited to 300 candela/m² during hours of darkness and would comply with the 'Professional Lighting Guide 05 Brightness of Illuminated Advertisements' by the Institute of Lighting Professionals.

16. It has been suggested that this condition should limit the luminance level during inclement weather. However, in the interest of precision, I have not included this within the condition as it would be difficult to define inclement weather. Moreover, the display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
17. As set out in paragraph 14(7)(b) of the Regulations, all consents are automatically given for 5 years, unless specifically stated. Therefore, a specific condition is not necessary, and my formal decision states that the consent is for five years from the date of this decision. Furthermore, I have no firm evidence to indicate that the advertisement would be likely to be unacceptable at the end of the specified period. A condition imposing the development to be carried out in accordance with the approved plans is not necessary as this decision grants express consent, not planning permission.
18. The consultation response from HS2 Ltd sets out an informative for the appellant to be aware of.

Conclusion

19. For the reasons given above, the appeal succeeds.

L Wilson

INSPECTOR