



Appeal Decision

Site visit made on 17 January 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 FEBRUARY 2024

Appeal Ref: APP/B4215/Z/23/3329390

Land at 176-182 Oldham Road, Manchester M4 6BQ

- 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 Group Limited against the decision of Manchester City Council.
 - The application Ref 137288/AOH/2023, dated 6 June 2023, was refused by notice dated 28 July 2023.
 - The advertisement proposed is update of advertisement site to display a D-poster advertising display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In accordance with the Regulations¹, and the Planning Practice Guidance, I have considered solely matters of amenity and public safety.

Main Issue

3. The Council does not raise concerns in relation to the effects of the proposal on public safety and I have no reason to find otherwise on the basis of the evidence before me and my observations on site. Therefore, the main issue is the effect of the proposal on the amenity of the area, including the Ancoats Conservation Area.

Reasons

4. The appeal proposal relates to land at the frontage of a car sales premises on Oldham Road (the A62), which is a busy main road leading into and out of Manchester City Centre. The surrounding area is of mixed character, with a variety of business premises along this stretch of Oldham Road and a Royal Mail sorting and delivery office on the opposite side of the road. A modern five storey building has been constructed adjacent to the site which is in commercial use at ground floor with flats above.
5. The site is within the Ancoats Conservation Area (the CA) which comprises a large and diverse area. I consider that the CA derives its significance from the commercial and industrial history of the area which is reflected in the distinctive street pattern and varied built form, which includes large cotton mills located adjacent to the Rochdale Canal, and associated workers' housing. These features contribute positively to the character and appearance of the CA.

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

In assessing this appeal, I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. The proposed advertisement would be a freestanding internally illuminated digital screen which would display static images that would be capable of changing every ten seconds. It would be positioned in a large gap between the buildings on this side of Oldham Road, at an angle relative to the highway, and adjacent to two existing freestanding advertisements. In this location, the proposal would be seen by those travelling in a north easterly direction.
7. Due to its slightly smaller size, the appellant considers that the proposal would appear less prominent than an existing advertisement which had been on the site for ten years and benefitted from deemed consent under Class 3 of the Regulations. However, that advertisement had been removed prior to my site visit and it does not, therefore, provide compelling justification for the appeal proposal. Moreover, the proposed digital display would render the proposal brighter and sharper and, with images changing at frequent intervals, it would be more eye catching than the previous display which did not feature such digital illumination.
8. The steelwork, framing and cladding for the supporting structure would not necessarily be low quality provided they are well maintained. Given that there had been an advertisement display in this location for some time, the proposal would not add to a sense of visual clutter. Nevertheless, the advertisement would be a highly dominant and incongruous feature due to its significant size, height above ground and proximity to the highway.
9. The appellant considers that the reasons for dismissal of the previous appeal² on this site are no longer relevant due to its altered surroundings. However, other than the construction of the adjacent mixed-use development, the setting and appearance of the surrounding area have not changed significantly. The new five storey building respects the characteristics of the CA, in particular in the way that it reflects the scale of other tall structures, such as the cotton mills, and it has incorporated part of the historic red brick façade of the building on the corner of Oldham Road and Poland Street.
10. I accept that the proposed advertisement would be subservient to the nearby five storey building. I also acknowledge that the proposal would be located adjacent to the car dealership which features palisade fencing and double stacked office units. Nevertheless, at road level the proposal would be a dominant feature and a highly prominent addition to the street scene in this notable gap in the road frontage.
11. The appellant asserts that the proposal would face away from the CA and would not impact upon those features the CA seeks to preserve or enhance, such as the cotton mills and workers' housing. However, the street pattern and built form surrounding the site broadly complement the CA, including the nearby traditional red brick buildings on Oldham Road which are very characteristic of the CA. The scale of the proposal and method of illumination are such that it would be an incongruous feature whose prominence would lead to unacceptable harm to the visual amenity of the area. It would be visible for a significant distance along Oldham Road and would be viewed partly in the

² Appeal ref. APP/B4215/Z/18/3195390

context of the more traditional buildings. Consequently, the proposal would be unsympathetic to the character of the CA.

12. Reference has been made to an existing digital display on Council owned land on the corner of Oldham Road and Butler Street, but that site is a reasonable distance away from the appeal site with a different surrounding context and it is outside the boundary of the CA. Therefore, it is not directly comparable to the appeal proposal. Indeed, during my site visit I did not observe any other large digital advertisements within this part of the CA.
13. The appellant has provided photographs of other digital advertisements elsewhere and refers to an appeal decision for an advertisement in another location in Manchester. Based on the details that have been provided I cannot be certain that they offer a direct comparison to the appeal proposal or its site-specific context. In any case, I have considered the appeal on its own merits.
14. The appellant's suggested conditions, including controls on the maximum luminance of the sign and frequency of changes between adverts, would not sufficiently mitigate the harm that I have identified. Switching off the illumination between 11pm and 6am means that the proposal would still be illuminated during some of the hours of darkness, particularly during the winter months, and would not overcome my concerns.
15. The Council has referred to a conflict with the aims of the Poland Street Zone NDF which seeks to promote the regeneration of this part of Ancoats. However, the Regulations require that the display of advertisements be controlled in the interests of amenity and public safety. Therefore, the effect of the proposal on the regeneration of the area has not been a determinative issue in this appeal.
16. For the above reasons, I conclude that the proposal would harm the amenity of the area and it would neither preserve nor enhance the character or appearance of the CA. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. The proposal would conflict with the aims of Policies EN1, EN3, DM1 and SP1 of the Core Strategy for the City of Manchester (2012) and Saved Policies DC15, DC18 and E3.3 of the Unitary Development Plan (1995) where these seek to protect amenity and heritage. It would also not comply with the aims of the National Planning Policy Framework to achieve well-designed and beautiful places and conserve and enhance the historic environment.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR