



Appeal Decision

Site visit made on 23 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/B4215/Z/23/3332934

Adjacent site at the junction of 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 for the display of an advertisement.
 - The appeal is made by Mr Darren Alderson, Billboard Advertisement Limited against the decision of Manchester City Council.
 - The application Ref 137903/AOH/2023, dated 24 August 2023.
 - The advertisements proposed are installation of 2 no. internally illuminated digital LED poster sign following removal of existing advert displays.
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Decision

1. The appeal is allowed and express consent is granted for the installation of 2 no. internally illuminated digital LED poster sign following removal of existing advert displays 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) There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.
 - 2) In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m2.
 - 3) In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m2.
 - 4) Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds.
 - 5) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect.
 - 6) The display will include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Procedural Matters

2. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Application for costs

3. An application for costs was made by Mr Darren Alderson, Billboard Advertisement Limited against Manchester City Council. This application is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the advertisement on the amenity of the area.

Reasons

5. The appeal site is located within an urban area comprising a varied mix of land uses including commercial offices, industrial premises, and sports venues. The urban character is influenced by the elevated rail bridge diagonally northeast of the site and the high volume of traffic on the A665. Several advertisements, including digital signage, exist within the immediate area.
6. The proposed advertisements would be situated adjacent to the boundary of a large parking area fronting the building known formerly as Majid House, which is a substantial warehouse building situated at the junction of Devonshire Street North and Higher Ardwick. The boundary comprises a mix of timber and metal palisade fencing, at the time of my site visit I observed signage was present on the boundary, however these are considerably smaller than the proposed advertisements before me.
7. The proposed advertisements would project above the existing boundary treatment and be visible from some approaches towards the site, notwithstanding this the size and massing of Majid House would effectively moderate any potential effects of the advertisements height and scale. I also noted that due to the elevated mass and proximity of the railway bridge, the larger advertisements would not unduly dominate views of Majid House or the wider area.
8. The variable digital content of the advertisements would be consistent visually with the other signage and contextual backdrop of the parking area and building. Moreover, the signage would be appropriately scaled and situated so as not to appear incongruous within the prevailing commercial/industrial character of the location.
9. I understand that largescale non-digital advertisements were in-situ at the appeal site historically, however these have been removed. There is disagreement between parties with regard to a 48 sheet digital advertisement display allowed under a planning appeal which included the retention of some of the non-digital billboards¹, in terms of whether this consent is extant. Limited details have been provided with regard to the approval, nonetheless I understand that the consented digital advertisement would be a similar location

¹ Appeal Ref: APP/B4215/Z/18/3216997

to one of the advertisements in the proposal before me. On this basis should this appeal be allowed and implemented the consented 2019 appeal could not be implemented should it be deemed extant.

10. The proposal would be a reduction in the number of advertisements to that of the consented scheme, although acknowledging that there would be 2 digital advertisements on the boundary as opposed to the one previously consented.
11. My attention has also been drawn by parties to a 2023 dismissed appeal for 2x externally illuminated 48 sheet signs and 1x internally illuminated LED 96 sheet sign². The 2023 appeal proposal is not directly comparable to that before me in terms of scale of the digital advertisement which would be substantially larger than the advertisements before me.
12. In assessing amenity, I have taking into account the advertisements on commercial units within the area. The advertisement before me are digital billboards of a size commensurate with other advertisements in the area and within a busy predominantly commercial/industrial setting.
13. The advertisements are not incongruous to the area. I conclude that the installation of 2 no. internally illuminated digital LED poster signs would not be detrimental to the amenity of the area.
14. I have taken into account Policies EN1, DM1 and SP1 of the of the Manchester's Local Development Framework, Core Strategy, Development Plan Document (2012) and Policies DC15.1 and DC15.2 of the Unitary Development Plan which amongst other things seek to protect amenity and so is material in this case. Given I have concluded that the proposal would not harm amenity, the proposal does not conflict with these policies.
15. I find no conflict with the Framework, which seeks to protect the quality and character of places from poorly sited and designed advertisements.

Conclusion and Conditions

16. Conditions have been suggested by the Council in addition to the standard conditions. I am attaching further conditions to limit the luminance in the hours of darkness and to ensure ambient light levels during daylight in the interests of the amenity of the area.
17. In terms of ensuing that the advertisements do not cause a distraction to users of the area, I am imposing conditions relating to the transition of each advertisements, minimum time permitted for each image, that each image is static and that a mechanism is to be installed should the advertisement malfunction.
18. The Council have suggested a condition requiring the removal and discontinuance of the advertisements on the expiry of the 5 year consent period is not necessary. The National Planning Policy Guidance³ is clear that a condition should not be imposed as a matter of general policy to prevent the operation of Class 14 of the Regulations, which allow for deemed consent for advertisements after the expiry of the period of express consent.

² Appeal Ref: APP/B4215/Z/23/3319496

³ Paragraph: 034 Reference ID: 18b-034-20140306

19. The NPPG also requires that there should be specific and relevant planning reasons for the imposition of a non-standard condition. There is no supporting information before me as to why this sign should be considered temporary or what harm would arise if they were to remain beyond the initial 5 year period. In any event, should it become necessary then the Council would be able to take action by pursuing discontinuance action under the Regulations.
20. The appeal is allowed and consent granted for the display of 2 no. internally illuminated digital LED poster sign following removal of existing advert displays on the terms set out in the Decision.

C Pipe

INSPECTOR