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## Appeal Decision

Site visit made on 28 June 2024

**by R Jones BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> July 2024**

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**Appeal Ref: APP/B4215/Z/24/3340027**

**Existing advertisement at Oldham Road, Manchester M40 8ED**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
  - The appeal is made by JCDecauxUK against the decision of Manchester City Council.
  - The application Ref is 138439/AOH/2023.
  - The advertisement proposed is removal of existing display followed by the installation of an internally illuminated advertisement of similar dimensions.
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### Decision

1. The appeal is allowed and express consent is granted for the removal of existing display followed by the installation of an internally illuminated advertisement of similar dimensions at existing advertisement at Oldham Road, Manchester M40 8ED in accordance with the terms of the application, Ref 138439/AON/2023, dated 30 October 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the following additional conditions:-
  1. No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
  2. No individual advertisements shall be displayed for duration of less than 10 seconds.
  3. Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
  4. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
  5. A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
  6. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2 during non-daylight hours / inclement weather

### Preliminary Matter

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) state that advertisements should be subject to control only in the interests of amenity and public safety. The parties

have drawn my attention to policies set out in the Core Strategy Development Plan Document for the City of Manchester (2012) (CS) and saved policies within the Unitary Development Plan for the City of Manchester (1995) (UDP). I have taken these into account as material considerations in so far as they are relevant to amenity.

3. The Places for Everyone Joint Development Plan (PfE) was adopted on 21 March 2024 by nine Greater Manchester authorities, including Manchester City Council. Views on this matter were sought from the parties and the Council has confirmed that the adoption of the PfE does not materially alter its decision to refuse the appeal proposal. I am therefore satisfied that the adoption of the PfE has not had an impact on the stated policies in the Council's decision notice as relevant to the appeal.

### **Main Issue**

4. 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 in this appeal is the effect of the advertisement on the visual amenity of the area.

### **Reasons**

5. The appeal site is located in a parcel of land, which appeared in part to be used for the sale of cars, between No.317 and No.325 Oldham Road (A62), which is a busy main road leading into and out of Manchester City Centre. The carriageway is two-lane with a central grass reservation, and I observed that there is an existing illuminated, sequential landscape advertisement panel on the site that faces north-eastbound traffic.
6. The submissions of both parties confirm that this existing advertisement would benefit from deemed consent, having been in place and operated by the appellant for more than 10 years. I have no evidence to conclude differently on this point. If this appeal was to fail, I find it is reasonable to consider that the existing advertisement would remain in place at the appeal site.
7. The proposal is for the removal of the existing display and for the installation of an LED advertisement display. The proposed display would be comparable in size to the existing, measuring around 6.44m (w) by 3.55m (h) (including its surround), albeit slightly narrower in depth. Its orientation and position would also be the same, elevated from the ground by around 3m and facing the north-eastbound traffic of the A62.
8. The advertisements displayed on the existing panel are static printed images, illuminated from behind and alternate every 10 seconds through mechanical motors. The proposed LED would render the advertisement brighter and the images sharper than the existing and would therefore be more noticeable, or eye catching, for those travelling north-eastbound on Oldham Road. The changes of advertisement themselves, and lighting, would be controlled by condition to meet the recommendations of the Institute of Lighting Professionals, which is noted by the appellant. Although more noticeable, the proposed advertisement would not significantly change the appearance of the panel and I do not find it would appear an overly dominant or incongruous feature within the streetscene.

9. At the time of my site visit, I found the existing advertising panel and area surrounding the appeal site to appear tired. I find that the proposal would represent an improvement in appearance along this part of Oldham Road which would contribute, in a small way, to the visual amenity of the area as a result of a more modern form of advertising.
10. The proposed advertisement would be viewed against the flank elevation of No.325 Oldham Road (No.325), located on the corner of Oldham Road and Johnstone Square. This building has been extending, including at roof level, and converted into apartments; it is considered by the Council to be a non-designated heritage asset. The Council have provided no evidence as to its significance, but I agree that it gives some historic context to the area, probably once in commercial use, and is an attractive, three-storey red brick faced building with architectural interest provided by the use of string courses and arched pediments to the ground floor openings. The flank elevation, however, lacks such interest or detailing and is blank and partly painted grey. The extensions to No.325 are themselves contemporary in their design (clad in dark grey, contrasting with the original red brick) and I do not therefore find that the design of the proposal would create a jarring juxtaposition with this adjacent non-designated heritage asset. Nor, given it would be viewed against the blank gable, would it detract from the character or appreciation of this building.
11. The Council refer to No.325 as being emblematic of the City Council's approach to development along radial routes, pursuant to saved UDP Policy E3.3 which seeks to upgrade the appearance of premises. In this context, reference is also made to a recently granted planning permission to the south of the appeal site. No specific details, however, have been provided in the evidence in respect of this approach, or plans or proposals for regeneration, including for nearby developments. There is therefore insufficient evidence to support that consent should not be granted as a result of unspecified future plans for the area.
12. I therefore conclude on the main issue that, because of its position, size, appearance, display and illumination, the appeal proposal would not cause harm to visual amenity. Although not determinative, I have taken into account CS policies DM1, SP1, EN3, EN1 and saved UDP policies DC15 and E3.3. In broad terms these policies seek, amongst other matters, to ensure that proposals have regard to the character of the surrounding, make a positive contribution to the locality, take opportunities for good design and to upgrade the appearance of the City's major radial or orbital roads. These policies are material in so far as they relate to amenity. Given that I have concluded that the proposal would not harm amenity, there would be no conflict with these policies.

### **Conditions**

13. In addition to the five standard conditions set out in Schedule 2 of the Regulations, the Council have suggested conditions which control the display such that there would be no moving images, animation, video or full motion images, transition would be smooth and uninterrupted and adverts would be displayed for not less than 10 seconds. It would further control the panel such that it adjusts to ambient light levels and would not exceed 300 cd/m<sup>2</sup> during non-daylight hours/inclement weather. The appellant has also suggested such

conditions and I have imposed these in accordance with the submitted details and in the interests of highway safety and visual amenity.

**Conclusion**

14. For the reasons given above and subject to the conditions prescribed in paragraph 1 of this Decision, I conclude that the appeal should be allowed.

*R. Jones*

INSPECTOR