



Appeal Decision

Site visit made on 16 December 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/B4215/Z/24/3352798

Land at the corner of Oldham Road and Cipher Street, Manchester M4 5HD

- 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 Mr David Esterkin (Manchester Industrials Limited) against the decision of Manchester City Council.
 - The application Ref is 140015/AOH/2024.
 - The advertisement proposed is the removal of an existing 48 sheet backlight panel and its replacement with two digital 48 sheets.
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Decision

1. The appeal is allowed and express consent is granted for the removal of an existing 48 sheet backlight panel and its replacement with two digital 48 sheets on land at the corner of Oldham Road and Cipher Street, Manchester M4 5HD in accordance with the terms of the application, Ref 140015/AOH/2024. 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) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m².
 - 3) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.
 - 4) The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display shall include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.
 - 5) The advertisement displays shall not be illuminated between midnight and 6:00 am.

Procedural Matters

2. The Regulations set out that powers shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material; and any other relevant factors. I have therefore had regard to relevant development plan policies in my decision, along with policies contained in the latest version of the National Planning Policy Framework, which was published in December 2024 ('Framework').
3. The Council does not raise an objection to the proposed advertisements on the grounds of their impact on public safety. Having regard to their location, and their set back from the pavement and the carriageway on a straight section of road, I have no reason to disagree.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

5. Oldham Road is a wide and busy arterial route into Manchester city centre, with four lanes of traffic and a central reservation. Its northern side close to the appeal site contains a number of large commercial buildings and warehouses, including an expansive Royal Mail sorting office, a large foodstore, and plumbing and timber supply stores, with associated outdoor storage and parking areas.
6. The southern side of Oldham Road, part of which opposite the appeal site falls within the Ancoats Conservation Area ('the ACA'), has a more diverse character. It includes buildings which are varied in terms of their scale, form and character, and contains a broader mix of residential and commercial properties, including former cotton mills and associated housing for workers.
7. The proposed digital displays would face west and east on Oldham Road, and would be sited on the same small area of hardstanding as the single-sided backlit display panel they would replace, and which the Council states benefits from deemed consent. Individually, each would also be of a similar scale. Although the supporting structures would be utilitarian, very little of them would be visible from public vantage points as the displays would cover most of their front faces, and as they would be arranged back-to-back in a tight 'V' shape, thus making efficient use of the space.
8. Travelling west along Oldham Road one display would typically be seen above a fence and against the backdrop of the much taller and larger Royal Mail building; and, travelling in the opposite direction, the other would be seen above a brick wall, with the plumbing and timber supply stores beyond, and tower blocks in the far distance.
9. Whilst commercial premises close to the site have some signage associated with their respective businesses, there are no other large advertisements in the immediate vicinity, and other than a streetlamp, there is not much street furniture or highway signage. As such, these replacement advertisements, which would be set

back slightly from the carriageway, would not give rise to an unduly cluttered appearance in the streetscene.

10. This busy stretch of Oldham Road is well-lit by streetlamps, as well as lighting associated with the entrance to the Royal Mail building. There is also an existing large digital display about 60 metres to the east on the opposite side of Oldham Road at its junction with Butler Street, which was granted consent in 2019¹. According to the application form, these proposed displays would have a maximum luminance level of 300 cd/m², which I understand would be less than the existing panel on this site; and unlike it, they would be switched off between midnight and 6:00am.
11. In that context, this proposal's luminance, and the sequential movement as a result of static advertisements changing every 10 seconds, would not appear out of place. Thus, whilst these two digital panels would be more prominent in this stretch of the streetscene compared to the single advertisement they would replace, they would not appear as overly dominant or incongruous features in this predominantly commercial environment.
12. Given their siting and orientation, and that Oldham Road is a wide and busy highway, the proposed advertisements would not generally be perceived together with the development on the opposite side of the road, which includes a modern, five storey building with commercial uses at ground floor and apartments above.
13. Thus, whilst I have paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the setting of the ACA would not be harmed. The scheme would not therefore conflict with the approach in Policy DC18 of the Unitary Development Plan for Manchester 1995 ('UDP') regarding the need to carefully consider the effect of signs and advertisements on the character of conservation areas.
14. Given the significant distance to the Grade II Victoria Buildings, and the presence of many intervening structures, the setting of that designated heritage asset would not be harmed.
15. The Council states that this area will undergo significant change. It refers to its aspirations for residential led redevelopment in Zone B of the New Cross Neighbourhood Development Framework 2015 ('NCNDF') within which the site sits, and the ongoing regeneration of the Poland Street Zone ('PSZ') of the Ancoats and New Islington Neighbourhood Development Framework 2020, which is on the opposite side of Oldham Road. I observed for myself the redevelopment that has already taken place along the Oldham Road frontage within Zone A of the NCNDF, and which is illustrated in Figure 9 of the Council's delegated officer report.
16. However, notwithstanding the large land holdings in NCNDF Zone B, I have limited information before me regarding when development within this area and within the PSZ, will come forward, or what it will comprise. Moreover, I see no cogent reason why digital displays should necessarily be at odds with aspirations for high quality development along a busy frontage such as this, or why, in the proposed location facing oncoming traffic, and with suitable planning controls in place, they would harm residential amenity.

¹ 123975/AOH/2019

17. I have considered appeal decisions relating to proposed advertisements in the area cited by both principal parties. That includes a dismissed appeal for a digital display opposite this site, but unlike this one, it was within the ACA². I have dealt with this proposal in this location on its planning merits and by reference to its particular context, and I conclude that it would not harm the character and appearance of this area.
18. In broad terms, Policies SP 1, DM 1 and EN 1 of the Manchester Core Strategy 2012 and UDP Policy DC15 seek high quality design which considers the character of the surrounding area; and require an assessment of the effect of an advertisement on visual amenity. They are thus material in this case. For the above reasons, the scheme would not conflict with their approach.
19. Neither would it conflict with the broadly similar stance in the Framework for development which is sympathetic to local character and, at paragraph 141, that the quality and character of places should not suffer as a result of poorly sited and designed advertisements; nor with the approach in the Planning Practice Guidance³ which states that, in assessing amenity, the local characteristics of the neighbourhood must be considered.

Conditions and Conclusion

20. The consent is subject to the five standard conditions in the Regulations. I have also had regard to additional conditions suggested by the Council, including its Environmental Health and Highways Departments, and by the appellant.
21. My additional conditions 1) to 5) are necessary in the interests of highway safety and amenity. Given my findings above, I see no persuasive reason why consent should be limited to a period until 1 November 2026, and I have not therefore imposed that suggested condition.
22. Summing up, the two proposed digital 48 sheets panels, in place of the existing backlight panel would not harmfully affect the amenity of the surrounding area. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR

² APP/B4215/Z/23/3329390

³ ID: 18b-079-20140306