



Appeal Decision

Site visit made on 5 February 2025

by **D Hartley BA (Hons), MTP, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 FEBRUARY 2025

Appeal A Ref: APP/B4215/G/24/3347630

Appeal B Ref: APP/B4215/G/24/3347837

Land on the northwest side of Rochdale Road and Adjacent to No 6 Angel Street, The Angel Public House, Manchester, Manchester, M4 4BQ

- The appeals are made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a Discontinuance Notice relating to the display of an advertisement with deemed consent.
 - Appeal A is made by Churchbridge Properties Limited and Appeal B is made by Global against discontinuance action by Manchester City Council.
 - The Council reference is ENF/15689/23.
 - The Discontinuance Notice is dated 17 May 2024.
 - The advertisement concerned is a freestanding 1 no. single-sided 48-sheet LED advertisement display on a supporting structure to a maximum height of 6m. The display panel is fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels. A mechanism is in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation. The maximum luminance level of the advertisements displayed on the panel shall not exceed 600cd/m2.
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Decisions

1. The appeals are dismissed. I direct that the Discontinuance Notice shall come back into effect immediately and the use of the site for the display of an advertisement with deemed consent shall cease by the end of one month from the date of this decision.

Preliminary Matter

2. Regulation 8(1) of the advertisement regulations states that a discontinuance notice (DN) may only be served where the planning authority is satisfied that the removal of the advertisement is necessary to remedy a 'substantial injury' to the amenity of the locality or a danger to members of the public. Regulation 8(8) of the advertisement regulations states that in considering whether to serve a DN, the local planning authority shall have regard to any material change in circumstances that has occurred.

The Notice

3. Appellant B makes the claim that the notice does not refer to the more rigorous test of 'substantial injury' and suggests that it relates to 'amenity' only. I do not agree with this claim as the notice specifically states, in the second schedule, *'there is now substantial injury caused by the advertisement site'*.
4. It is also claimed by the appellants that the Council has not justified, within its statement of reasons, why it considers that substantial injury has been caused to the amenity of the locality. I do not agree with this claim as the Council refers to

the way that the locality has changed, and the specific harm caused because of the continued display of the advertisement. Moreover, I find that the Council has substantiated its position in terms of its statement of case. I do not find that the DN fails to accord with the requirements of the Regulations.

Main Issue

5. The main issue is whether the continued use of the site for the display of the advertisement would cause substantial injury to the amenity of the locality.

Reasons

6. The appeal site falls within a mixed-use area comprising residential, office, commercial and leisure uses and car parks. The digital advertisement has a screen on one side only and is positioned on the corner of Rochdale Road (a busy arterial route into the city centre) and Angel Street.
7. The evidence is that advertisement consent was granted in 2015¹ for the free-standing digital advertisement. It is understood that the site was already in use for displaying advertisements at this time and that the free-standing digital advertisement replaced two existing roadside hoardings.
8. I have considered the evidence submitted from the appellants as well as from the Council. The evidence is that regeneration or re-development activity has taken place in the immediate area and since advertisement consent was granted for the free-standing advertisement. While the evidence does not indicate that the site falls within an identified regeneration area boundary, in terms of the various approved strategies referred to me by the Council, it is nevertheless the case that the site is surrounded by, or close to, identified regeneration areas and where re-development and strategic regeneration plans are in place.
9. At appendix C of the Council's statement of case, I have been provided with a table of planning permissions (annotated also on an accompanying plan) and the relationship with the appeal site. I have considered this evidence as part of my assessment of the appeals.
10. It is clear from my assessment of the Council's photographs appended to its statement of case, that the area around the appeal site has changed considerably from when the subject advertisement was originally approved. When the advertisement was approved, and, in particular when travelling in a westerly direction on Rochdale Road, the immediate surrounding area was appreciated as being more open and undeveloped. In this context, the advertisement was not seen as competing with or obscuring views of what are now well-designed and imposing multi-storey buildings (including residential development) on the corner of Angel Street with Rochdale Road (i.e., opposite the appeal advertisement).
11. The photographs demonstrate that there has been a deliberately planned and coherent design effort undertaken in respect of the re-development of surrounding land. This includes the erection of several well-designed and imposing multi-storey buildings which are appreciated in the same visual context as the subject advertisement. The evidence is that these buildings have been approved and constructed in accordance with the Council's identified regeneration strategies and plans for the city. I recognise, as outlined by the appellants, that the appeal site

¹ Advertisement consent reference No. 108514/AOH/2015/N1

does not fall within these identified regeneration areas/boundaries. However, the appeal site falls within the setting or visual context of identified regeneration areas which have been re-developed.

12. In the context of the above, I find that the advertisement causes substantial injury to the amenity of the locality and the way that surrounding regeneration areas are experienced by passers-by. I walked from the Hampton by Hilton hotel towards the appeal site as part of my site visit using the footpaths on both sides of Rochdale Road. It was evident that a new building was under construction along this route and near to the advertisement. From viewpoints along this route, the advertisement is appreciated as being large and unattractive in the street-scene. The back of the structure (there is no screen) is seen from these viewpoints and it is seen as a bulky and incongruous addition within the street. In this context, I find that it is prominent, intrusive and constitutes poor design when experienced by passers-by.
13. From the above viewpoints, the advertisement is also appreciated as concealing a large part of the residential building on the corner of Angel Street with Rochdale Road (i.e., part of the NOMA regeneration area). Unlike the area previously, this land is now much more developed and includes well-designed multi-storey buildings. For those travelling on foot in a westerly direction, I find that the rear view of the advertisement is jarring, and that it visually interferes with views towards the well planned and designed development which exists on the corner of Angel Street with Rochdale Road. Moreover, while I was not able to view from inside the building on the corner of Angel Street, which appears to be in residential use, I find, given its very close relationship, size and changing images, that it is likely that the advertisement is experienced by occupiers of some parts of this building as a discordant visual distraction to the way that Rochdale Road is otherwise now visually appreciated.
14. I acknowledge that the advertisement is not large in the context of the very tall multi-storey buildings on the corner of Angel Street with Rochdale Road and elsewhere. In this regard, it could not be said that the advertisement is not subservient in scale to these buildings. However, the point is that the visual context of the street-scene has now changed. For those walking towards the advertisement on the adjacent Rochdale Road footpath, and in a westerly direction, there is now an overwhelming feeling of being enclosed given the position and size of the subject advertisement when seen alongside the imposing multi-storey buildings behind. In this regard, and, given the changed environment, I do not find that the advertisement adds positively to the way that the area is experienced by members of the public.
15. I also find that harm is experienced from the advertisement when seen from the pavement corner of Miller Street and Rochdale Road. This is owing to the position, size and changing digital images of the appeal advertisement which I find visually competes with and harms the general design cohesiveness to the new buildings in the locality. In the context of the surrounding, mainly new multi-storey buildings, the advertisement is now seen as being an incongruous and distracting form of development which fails to assimilate well into its surroundings. In my judgement, it appears as a discordant and cluttered addition in the street-scene which fails to appropriately chime with the otherwise planned approach to the pattern and design of development which now exists in the locality.

16. I acknowledge that there is a large rectangular shaped illuminated advertisement on the other side of Rochdale Road and close to the appeal site (ECP Car Park). This advertisement was the subject of a separate discontinuance notice appeal last year². I have considered the comments made by the Inspector about this advertisement, albeit in the context that it is a different advertisement. Nonetheless, it is noteworthy that the Inspector also considered that the area had changed and commented that *'use of the site for advertisement displays significantly undermines the attractive nature of much of the residential and other forms of built development nearby'* and *'its scale and bright and constantly changing displays also jar with the appearance of the surrounding buildings'*.
17. The Council states that the Inspector's decision to uphold the above discontinuance notice is the subject of a legal challenge. I have not been provided with any further details about this matter. Whether that advertisement is removed, or stays, does not alter my overall conclusion in respect of the subject appeals. I have considered the advertisement which is the subject of the appeals on its individual merits and based on its relationship with the surrounding area and buildings.
18. For the above reasons, I conclude that the advertisement which is the subject of the appeals presents an intrusive and harmful visual feature in the street-scene. Such harm is compounded owing to the large blank featureless rear of the structure which is prominent and conspicuous when walking down Rochdale Road in a westerly direction. In the context of an area which has changed and visually improved significantly since the advertisement was approved, I find that it causes substantial injury to the amenity of the locality for the reasons outlined.
19. In reaching the above conclusion, I have considered the comment made by appellant A that the Council is allegedly offering a new lease for the display of an advertisement(s) on the site and that no complaints have been made by members of the public about the advertisement. I have concluded that the advertisement causes substantial injury to the amenity of the locality: the above matters are not sufficiently weighty to alter or outweigh such a conclusion. I acknowledge the evidence from appellant B which includes a map of digital advertisement screens located elsewhere in the city (including within regeneration areas). However, my conclusion in respect of the appeals is based on the position and characteristics of the subject advertisement and its relationship with the surrounding and changed locality.

Conclusions

20. Having regard to all of the above, I conclude that the advertisement causes substantial injury to the amenity of the locality contrary to the criteria set out in Regulation 8. Consequently, the appeals fail.

D Hartley

INSPECTOR

² Discontinuance notice appeal reference APP/B4215/G/22/3310603