



Chartered Town Planners & Architectural Technicians

**APPEAL UNDER SECTION 78 OF THE TOWN &
COUNTRY PLANNING ACT 1990**

Installation of two free standing LED static image advertising panels following removal of existing advertisement hoarding.

Appeal by: C. Fogel.

Property Address: Land On North East Side Of Middleton Old Road (north Of The Grove Inn), Middleton Old Road, Manchester, M9 8DS.

Planning Authority Ref: 132003/AOH/2021.

February 2022

1.0 INTRODUCTION

1.1 This appeal statement is submitted on behalf of Mr. C. Fogel (the appellant) in respect of the refusal of planning permission by Manchester City Council for development comprising the installation of two free standing LED static image advertising panels following removal of existing advertisement hoarding on land to the North East Side Of Middleton Old Road (north Of The Grove Inn), Middleton Old Road, Manchester, M9 8DS.

1.2 The application was validated by the Council on the 21st October 2021. The application was determined on the 16th December 2021.

1.3 Despite not a single neighbour objection having been received, and that the Highways Department did not object, planning permission was refused for the following two reasons:

“1. The proposed advertising display would by virtue of its size, location, design, appearance and levels of luminance, have a detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous and over dominant feature within the street scene and in a prominent location on Rochdale Road, a main radial route. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and be contrary to government guidance contained in chapter 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) and saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan.”

2. The advertisement display, size, appearance, elevated position, means of illumination and digital display in close proximity to residential properties presents an intrusive feature to the residents on the opposite side of the road to the site on Rochdale Road, to the detriment of residential amenity. The proposed advertisement is therefore contrary to saved policy DC15 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy, The Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF).”

2.0 APPLICATION PROPERTY AND SURROUNDING AREA

2.1 The site is located within a mixed land use area there is a public house to the south, and industrial/commercial land to the north west. The site does not directly abut any residential property.

2.2 There is variety in architectural form and style in the neighbouring area.

2.3 Neighbouring properties are not listed, and the site is not located within a conservation area.

3.0 PROPOSED DEVELOPMENT

3.1 Advertisement is sought to remove a free-standing advertising panel and replace it with two free standing LED static image advertising panels.

3.2 The existing sign is a long established part of this urban environment. It is evident on Google Streetview Images as far back as 2008 although it is understood to have been in existence long before this. Billboard signs of this nature are a ubiquitous feature on the approaches and departures from towns and cities throughout the country. Often between changes of advertising campaigns such advertising structures suffer from posters peeling off and or becoming defaced and as such can detract from an area. The nature of advertising and signage has evolved significantly and in seeking to respond to such changing trends, it is sought to replace the existing billboard with sleek and modern LED signage. Such modernising of an existing billboard would very much be in keeping with new and changing urban environments in general.

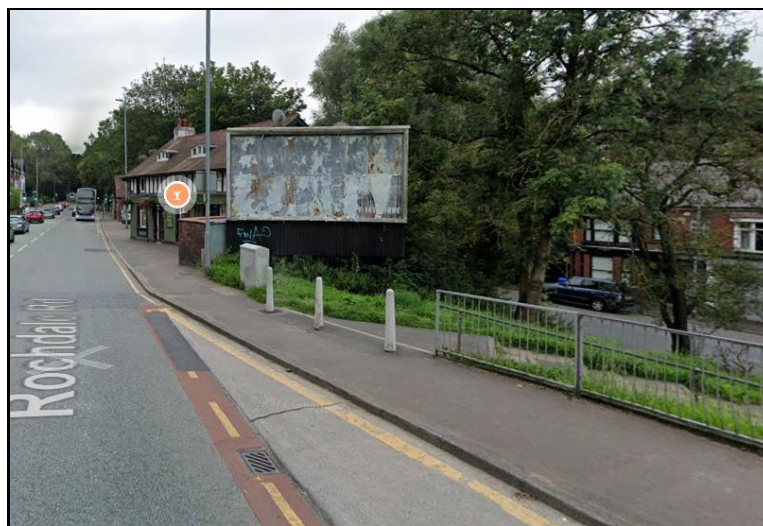


Figure 1 – Existing signage. Between advertising campaigns posters can peel off or be removed resulting in an unsightly appearance.

3.2 The purpose of the proposed LED signage is to replace a rather conventional and somewhat dated advertising billboard, with a new form of advertising that is responsive to new technologies and changing advertising mediums. There is much precedent for this all around Manchester. The LED sign will display a broad range of advertising, as is the case with the present billboard. The advertising will be in the form of static images only.

3.3 The proposed signage is largely within the width and height confines of an adjoining gable wall (of the Grove Inn) and as such it would be seen against this backdrop, as opposed to a sign with no back-drop which would have much more prominence.

3.4 The proposed signage is located near the Rochdale Road which along its length is mixed use in terms of land use. There is a multitude of signage along the Rochdale Road including illuminated advertising in a variety of forms (i.e. internally illuminated, externally illuminated). In this context the LED signage panels are not inconsistent with the character of such a road.

4.0 PLANNING POLICY

Manchester Core Strategy (2012)

4.1 Our review of the Core Strategy Policies does not indicate anything that would resist development of the nature proposed in principle.

Manchester UDP Saved Policies

4.2 Our review of the UDP saved policies does not indicate anything that would resist development of the nature proposed in principle.

5.0 GROUNDINGS OF APPEAL & CONSIDERATION OF PLANNING ISSUES

5.1 It is emphasised at the outset that not a single objection was made to the Planning Authority by neighbours. It is further noted that the Highways Department were accepting of the proposal – they commented as follows:

“The proposed LED static image advertising panels are not located on and will not project over the adopted highway network. As such, a Projection over License will not be required.

The location of the LED static image advertising panels is not considered to generate any adverse impact for vehicles travelling along Middleton Old Road..”.

It is sought to respond specifically to each of the two reasons for refusal below.

Refusal Reason 1 – by virtue of its size, location, design, appearance and levels of luminance, have a detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous and over dominant feature within the street scene and in a prominent location on Rochdale Road, a main radial route. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area...

5.2 It is strongly considered that this refusal reason is an over-zealous interpretation and application of relevant planning policy and guidance. The refusal reason references Chapter 12 of the NPPF and Core Strategy policies EN1 and DM1. These policies are strategic and over-arching in nature and have little relevance to a development of the nature proposed.

5.3 It is failed to see how the proposed advertising can be considered as unduly obtrusive, incongruous and over dominant when the site has historically contained advertising hoarding (and still does). The size of the proposed advertising panels are similar in size (individually) to the existing hoarding. They are positioned in a V-shape such that when travelling in any direction along Rochdale Road, essentially only one sign at a time would be visible. The site is part of a larger private and un-used green area which readily lends itself to accommodate advertising. We strongly refuse that the site is a prominent location – when travelling northwards on Rochdale Road the signage in question would not be visible until at or past the Grove Inn and when travelling in a southern direction the signage in question would only really be visible from a distance of 100m or so. The signage would not be visible from any other roads or public vantage points other than Rochdale Road.

5.4 The refusal reason references policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan. These policy requirements are summarised below and after each point it is set out (in bold italics) how we consider the proposed development to be in compliance.

DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining applications for free standing hoardings and wall mounted posters the Council will take account of the following matters in assessing these interests:

a. the general location of the proposed development and the effect on visual amenity; ***The site has historically contained advertising hoarding and will continue to if this appeal is refused.***

b. the scope for posters and hoardings to make a positive contribution to the locality; ***Signage of the nature proposed are a ubiquitous feature on the approaches and departures from towns and cities throughout the country. They add visual interest to areas.***

c. the design of the structures, and the relationship with any premises on which they are located; ***The advertising structures are of very simple construction. The proposed signage is largely within the width and height confines of an adjoining gable wall (of the Grove Inn) and as such it would be seen against this backdrop.***

d. the effect of the proposal on permanent redevelopment of the land; ***The structures only take up a small part of an overall privately owned large but unused green area which would be difficult to develop given such issues as changes in levels and road access.***

e. public safety resulting from the positioning of the design of the display; ***The Highways Department of the Council raise no objection to the advertising and have stated in their consultation response ‘The location of the LED static image advertising panels is not considered to generate any adverse impact for vehicles travelling along Middleton Old Road’***

f. the ease with which the structure is capable of being satisfactorily maintained; ***The structures can be readily maintained without needing to work from or on the public highway which includes the footpath.***

g. the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent; ***This is not applicable to the proposed advertising.***

h. the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development; ***This is not applicable to the proposed advertising.***

i. the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities; ***This is not applicable to the proposed advertising.***

j. the number of advertisements in the locality and their cumulative effect on visual amenity. ***There is a multitude of signage along the Rochdale Road including illuminated advertising in a variety of forms (i.e. internally illuminated, externally illuminated), however there is no proliferation of signage in the immediate vicinity of the site.***

DC15.2 In assessing the interests of amenity and safety the Council will take account of the following criteria:

a. developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use; ***The advertising structures are completely independent of any buildings and would not prejudice development on any adjoining land.***

b. they should be in scale with the locality and relate properly to the site on which they stand; ***The advertising structures are of similar dimensions (individually) to the hoarding to be replaced.***

c. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value; ***The site is part of a larger private and un-used green area which readily lends itself to accommodate advertising. The advertising structures would be well separated to the nearest residential properties.***

d. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted. ***As stated, the Highways Department of the Council raise no objection to the advertising.***

Refusal Reason 2 – The advertisement display, size, appearance, elevated position, means of illumination and digital display in close proximity to residential properties presents an intrusive feature to the residents on the opposite side of the road to the site on Rochdale Road, to the detriment of residential amenity...

5.5 It is strongly considered that this refusal reason does not stand up to scrutiny. The refusal reason references the NPPF, Core Strategy policies DM1 and SP1, and The Town and Country Planning (Control of Advertisements) Regulations 2007. These policies are strategic and overarching in nature and have little relevance to a development of the specific nature proposed. Policy DC15 of the Unitary Development Plan is discussed above. It would seem this refusal reason is in

large part due to comments from the Environmental Health Section who expressed concern with light overspill, glare, and luminance levels. Environmental Health also expressed the view that such impacts cannot be mitigated against.

5.6 It is firstly submitted that it was agreed with the Planning Officer by e-mail that light levels could be restricted by condition such that luminance levels would not exceed 600cd/m² during daylight hours and not exceed 300 cd/m² during non-daylight hours / inclement weather - this was a significant reduction on the standard luminance levels of 3000cd/m² for such LED signage. We can only assume that the Planning Officer did not bring this matter to the attention of the Environment Health section and hence their concern with luminance levels was based on the higher figure initially stated on the application form.

5.7 With regards other concerns of the Environmental Health section we submit as follows:

- They claim there would be glare from two digital screens and that this would adversely impact on neighbouring houses. The proposed two signs are positioned in a V-shape such that they face different directions – no neighbouring dwelling house would have two signs facing it.
- There is a separation distance of some 30m to the nearest residential property and most of the intervening space here is comprised of the busy Rochdale Road which has lighting columns on both sides of the road (on the western side of the road the lighting columns are at approx. 20m intervals). It isn't as if there is unobstructed space between the signage and the nearest residential property. Nor is it the case that the space between the proposed signs and housing is largely unaffected by artificial light during non daylight hours – vehicle and street lighting ensure it is never in darkness. In addition signs do not directly face any property. They are angled towards the road and to be seen on approach by vehicles using the road.
- Not a single objection was received from the residential properties the Environmental Health section feel would be affected.

5.8 We strongly refute the Environmental Health opinion that their concerns cannot be mitigated against. Notwithstanding and without prejudice that the signage is acceptable as is (and with luminance restricted to 600cd/m² and 300 cd/m² during daylight and non-daylight hours respectively), there are other readily achievable and readily enforceable means to mitigate actual or perceived impacts to neighbouring residential properties. These include restricting the number of

image changes in a specified period (e.g. one hour); and/or restricting the number of image changes between certain hours (i.e. non daylight hours).

6.0 CONCLUSION

6.1 The existing billboard sign on the site is a long established part of this urban environment. The proposed development seeks to replace this billboard with two modest size LED signage panels, and a form of advertising that is reflective of new technologies and changing advertising mediums. There are similar signage panels elsewhere in Manchester and other urban environments that have readily become assimilated into their respective contexts.

6.2 It is considered the proposed LED signage panels are entirely compatible with the mixed use character of the immediate area and Rochdale Road where there is already significant variety in advertising structures.

6.3 The proposed development represents an opportunity to replace a dated advertising structure with more modern structures.

6.4 The applicant is amenable to conditions with regard luminance levels and number of image changes in a specified period.

6.5 It is considered the Planning Authority refusal reasons do not stand up to scrutiny and it is requested that the Planning Inspectorate uphold this appeal.