

WILDSTONE APPEAL STATEMENT

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Site address as stated on application form

71 Wellington Street, Manchester, M18 8BE

Easting (x) 388748, Northing (y) 396213

Proposal as stated on application form

Land at 71 Wellington Street, Manchester, M18 8BE. Site of 4 no. illuminated advertising displays:

Upgrade of 2no. 48-sheet illuminated displays to 2no. 48-sheet digital advertising displays. Removal of remaining 2no. illuminated advertising displays.

Wildstone Ref:
Local Planning Authority:
Application Ref:

7937: 71 Wellington Road
Manchester Council
131394/AOH/2021

Date:
Author:

December 2021
RXP

INTRODUCTION

1. 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.
2. The appeal is made by Wildstone (Group Limited) against the decision of Manchester Council. The application ref: 131394/AOH/2021, dated 17 August 2021, was refused by notice dated 11 October 2021.
3. Copies of the application made to the Council, the decision notice, officers report, and any supporting documents are enclosed separately with this submission.

MAIN ISSUE

4. The Regulations and the National Planning Policy Framework (the Framework) both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative effects¹.
5. The Council refused the proposal due to perceived impacts upon amenity. The Council consider the proposal would be acceptable in terms of public safety.

The appeal statement addresses the Council's amenity concerns and reason(s) for refusal.

PROPOSAL

6. The proposal is for the removal of four 48-sheet (6m x 3m) paper and paste illuminated advertising displays operating with Class 14 deemed consent, with two D-Poster² (**Appendix 1**) 48-sheet digital advertising displays positioned in a back to back 'V' formation. The proposal will be a like for like replacement in terms of size (ie 6m wide, 3m high, and 0.061m deep) and elevation of the advertisements, whilst reducing the quantum of advertising on site by 50%. The update to a digital format will enable advertisements to be routinely updated without requiring site attendance to manually post content every two weeks. The digital format will by design, replicate the appearance of advertisements presented on the existing paper and paste displays. The materials used in the construction of the digital advertisement will be robust and high quality.
7. The proposal incorporates significant landscaping and biodiversity works which includes the planting of trees (44m²), hedgerow (47m²), and wildflower meadow (426m²). A bench is positioned at the site's northwest boundary, and a fence is to be erected to secure the site against unsociable activities.

Display Operation

8.
 - The proposed digital displays will be illuminated by use of modular LED tiles. During daylight, illumination will accord with the Institute of Lighting Professional's best practice guidance 'The Brightness of Illuminated Advertisements PLG05 2015'.

¹ National Planning Policy Framework, Paragraph 136

² Appendix 1: D-Poster Diagram & Report

Therefore, the maximum permitted level of illumination during daylight is 5000cd/sqm. However, through use of adaptive screen software, ambient illumination sensors, and timing clocks, the proposed digital displays would adjust output to reflect site conditions in real time; illumination levels would be far lower than the maximum levels permitted. Illumination levels will change throughout the daylight period to ensure images remain visible in all lighting conditions. At night it is proposed to reduce the maximum luminance (below the initially proposed 300cd/sqm) to 100cd/sqm. This will ensure the digital screens replicate the appearance of the existing paper-paste units. This is a significant and material reduction in relation to any previously considered digital display at the site or similar locations within Manchester.

- A curfew would be imposed which would mean the advertisement was turned off between 12.00 and 05.00 each day. In contrast the existing advertisements are illuminated throughout the evening.
- The update of content will occur 1/10 seconds, with images renewing in 0.1 seconds or less. The transition between content will occur seamlessly, with no special effects, animation, or fading to mark the point at which a new image is presented.
- The use of strict planning conditions will precisely control, and provide specific instruction for the proposal's performance over a 24-hour period³.

SITE DETAILS

9. The application site comprises an area of land which contains four illuminated advertising displays. The site is located east of Wellington Street at the junction of Wellington Street, Garratt Way and Cross Lane. The surrounding area comprises predominantly retail and commercial land use. A hairdresser is bound to the northeast of the site and the east is bound by a small area of self-seeded vegetation. To the south, aligning Wellington Street a row of commercial units are present including a bicycle sales & repair business, convenience store, clothing store, and salon. Gorton market is located approximately 50m to the west, with further retail and commercial development to the north along Cross Lane and Wellington Street. The site is also located within the Gorton District Centre as defined by the Manchester Local Development Framework Proposals Map. The site and surrounding area is commercial in character and as such is suitable for carefully controlled road side advertising.

GROUND OF APPEAL

Material Consideration

10. Whilst the scheme will meet the modern requirement of media operators, advertisers, and industry, there will be a wide range of benefits for the site and surrounding area. These are outlined below.
 - The scheme will de-clutter an historic advertising site by reducing the number of advertising panels, the area of advertising and the area of the site taken up by advertising.

³ See paragraph 31 of the Appeal Statement

- The proposal will introduce a modern, well designed, minimalistic commercial feature alongside significant amenity improvement into an area that has historically lacked investment.
- The proposal promotes urban greening in conjunction with sustainable development. The scheme will result in biodiversity net gain through an extensive planting scheme comprising, trees, hedgerows and a wildflower meadow.
- The landscaping scheme will enhance the visual appearance of the site and area for the benefit of local residents and the local centre.
- The carbon footprint of the site will be reduced; printing and print waste will be eradicated, and vehicle trips which occur every two weeks (to post content) will be reduced to twice a year, a 94% reduction.
- The proposal supports an industry wide drive to consolidate and reduce advertising across the UK, helping to reduce any sense of excessive exposure to advertisements.
- The proposal offers local opportunities, with content relevant to the surrounding area's businesses. There is also potential for the utilisation of void periods for Council led campaigns such as public health messaging.
- The proposal with its ability to react instantly to changing demands, can help future proof cities, forming part of smart city objectives.

These benefits will only be delivered as a result of the digitisation proposal and will be delivered without any public funding.

Site

11. The site is a longstanding location for advertising, having supported the display of illuminated advertisements for over 21 years. It operates with deemed consent under Class 14 of the Regulations, with its first documented usage dating back to April 2000, establishing the principle, and acceptance, of large format illuminated advertising as a roadside feature at the site.

Amenity

12. Concerning amenity, the proposal would not be detrimental in either an immediate or wider sense. It is not within a Conservation Area, attached or adjacent to Listed buildings, or within the setting of any local heritage assets.
13. The main character features of the site and surroundings are commercial buildings, businesses, advertisements, and the adjacent Wellington Street, Garratt Way, and Cross Lane highways. National guidance and advice set a presumption in favour of locating advertisements in commercial areas such as this; here, impacts are appreciably less and commensurate to the environment in which they function⁴. In this regard the proposal is considered acceptable.
14. The proposal represents an opportunity to significantly enhance the appearance and biodiversity performance of the site by planting trees, hedgerow, and wildflower meadow, which totals 426m² of amenity improvement. The proposed fencing offers tangible measures to discourage inappropriate behaviour at and surrounding the site to the benefit of local residents and passers-by.

⁴ Planning Practice Guidance, Paragraph 079 Reference ID: 18b-079-20140306

15. The site as proposed would be seen within a commercial context, and as previously highlighted it would be suitably positioned within a District Centre designation. The 50% reduction in advertising displays and area of advertising will improve views looking towards the site, removing any sense of site clutter or cumulative effects. Moreover, the improved site layout ensures only one advertising display will be seen at any one time by passing vehicle users, leading to a 75% decrease in visible content. The site's backing by mature vegetation and the surrounding built form will also prevent the proposed displays from being seen as isolated or standalone features. The site would continue its successful integration with the street scene.
16. Ultimately, the proposal would result in a material improvement to the amenity of the site and surrounding area due to the use of the proposed digital displays, landscaping, and biodiversity improvement works. The displays would sit comfortably in their visual context, without harming the qualities of the site, or the character and appearance of the wider environment.

REASON(S) FOR REFUSAL

17. The Council's opposition to the proposal is detailed within the delegated report and is summarised below:

Principle

A) ... However, the principle concern would relate to the impact of introducing advertising with changing images in a highly prominent location. It is considered that this circumstance would have an obtrusive impact on the streetscene and adversely affect the character of the area. The principle of the proposed advertisement display is considered to be unacceptable.

Design and Impact on the streetscene

B) Whilst the height and display of the replacement signage would reduce the levels of signage on the site, it is considered that the nature of the display involving digital and changeable images would give rise to a significantly change, thereby adversely affect the character of the streetscene.

C) A total 335m² of wildflower planting, 47m² hedgerow planting, and 44m² of tree planting would be implemented across the site resulting in a total 426m² of habitat gain. The applicant states that the biodiversity improvement works would contribute towards and provide habitats for invertebrate species and support urban greening priorities. Also new seating is proposed on the site. However, it is not considered that this overcomes the previously indicated reasons for refusal as it will still be the case that two new LED displays will be introduced into the area, each of which has a long range of visibility along Wellington Street and from the junction with Cross Lane.

D) The additional planting/biodiversity measures are noted, but whilst this might improve the appearance of the land adjoining the panels, this would not draw attention away from the panels and it is not considered that this would reduce the harmful visual impact of the displays.

Residential Amenity

E) Although no residential units directly face onto the display, there will be angled views of the displays, from bedroom windows, and it is considered that the intermittent nature of the illumination has the potential to cause some disamenity to those residents. It is

considered that this would be particularly problematical due to the excessive level of luminance proposed, which is well in excess of the Council's recommended maximum, as stated by Highways Services.

NPPF

F) In this case, it is not considered that the development would positively contribute to the streetscene and would harmfully affect the visual amenity of the area. It is considered that the nature of LED signage would materially and harmfully change the relationship of the advertisement hoardings to the streetscene. The incorporation of changing images within the display would also give the signage far greater prominence and would be a visually obtrusive addition to the location. It is therefore considered that the proposals would not accord with the NPPF.

Council Policy

G) Policies the Council consider the proposal does not adhere to.

Core Strategy: Policy SP1 Core Development Principles, Policy EN1 Design Principles and Strategic Character Areas, Policy DM1 Development.

Unitary Development Plan: DC15.1 Assessing Advertisements, DC15.2 Interests in Amenity and Safety, DC15.3 Imposing Conditions.

APPELLANT RESPONSE

18. The proposal to update the advertising site at 71 Wellington Street will offer material improvements to the amenity of the site, street scene, and surrounding area. Four illuminated advertising displays will be replaced with two D-Poster units of identical size reducing onsite advertising by 50% and removing any potential for site clutter or negative cumulative effects. The replacement displays will be repositioned to better serve the local community and reduce the site's prominence. Landscaping and biodiversity improvement works will benefit the surrounding area in terms of appearance and environmental performance. Strict control over the proposal's operation by internal sensors, timing clocks, and planning conditions will ensure the proposal successfully integrates to the street scene, mimicking the appearance of content displayed on the existing paper paste units (**Appendix 2**)⁵.
19. Point A) The Council describe the site location as a 'highly prominent location' this is considered to be a misrepresentation of the site and its immediate environment. As previously described, the site is situated on the corner between Wellington Street and Garatt Way / Cross Lane. The surroundings are commercial in nature and the site forms part of the commercial street scene. The site, backed by overarching vegetation, and adjacent two and multi-storey buildings, does not appear as a particularly prominent location. Moreover, the proposal would result in the re-configuration and naturalisation of the site, reducing the visibility of advertising content to highway users by 75%, with only one advertising display visible at any one time, as demonstrated with the CGI images⁶ (**Appendix 3**).
20. The update of images 1/10 seconds is unlikely to cause the proposal to appear obtrusive in a manner which would negatively impact amenity to such an extent, that it would

⁵ Appendix 2: Digital Advertising

⁶ Appendix 3: CGIs of the proposed advertising displays, biodiversity improvement, and landscaping works

warrant a refusal of planning permission. As detailed within the planning statement, grounds of appeal, and conversation with the Council, the update of content is a largely unidentifiable feature, occurring in 0.1 seconds or less. By design, images transition seamlessly to avoid distraction from presented content. The Council have provided no evidence to suggest that the automated renewal of content would be problematic. The appellant considers the numerous roadside digital displays successfully operating throughout Manchester and the UK, as a real-world demonstration of content update occurring without detriment to the amenity of the street scene, or character of the area. This principle is further demonstrated with the allowed appeal at Mount Road, Manchester, where four illuminated displays were also converted to two digital units on a grassed site, approaching a highway junction⁷ (**Appendix 4**). Two further examples can be seen at:

- Downing Street (A6), Ardwick, M13 9XE; and
- 500 Chester Road, Stretford, M16 9HQ.

21. The regular update of content 1/10 seconds would not therefore cause the proposal to have an obtrusive impact upon the street scene and adversely affect the character of the commercially orientated area. Conversely the proposal would have the effect of reducing any visual impact the site in its existing format may have, and would dramatically improve the site's general appearance to passers-by. The principle of the proposal is therefore considered entirely acceptable, and appropriate for the location of a historic illuminated advertising site.
22. Point B) As previously discussed the regular update of images would not materially impact the appearance or character of the street scene. The 'digital nature' of the proposal would have a neutral impact upon the character of the street scene. There would be no '*significant change*' as the Council insist. The 'digital nature' of the proposal allows content and the operation of each screen to be analysed and controlled over a 24 hour period. The real time control over content afforded by the use of digital technology allows, and ensures by design, that the proposed displays replicate the appearance of content as it appears on the existing illuminated displays. Illumination is carefully calibrated, measured, and controlled so that the act and effect of presenting content remains unaffected. This is also demonstrated at Appendix I where digital advertisements are shown to be operating without negatively affecting the character or appearance of the street scene.
23. The only '*significant change*' to the site, is the 50% reduction in advertising displays, 75% reduction in display visibility, and the biodiversity enhancement and landscaping works which provide 426m² of tangible amenity improvement, to the benefit of the street scene's character, and appearance. These are benefits which would only be delivered through the investment in digital which would be possible if express consent is allowed.
24. Point C) Throughout the Council's delegated report, reference is made to a previous application which sought to erect digital advertising displays at the site. The Council have continually stated that the existing proposal does not overcome the concerns and reasons for refusal of a prior application. In this regard, it is clear that the Council have not assessed the proposal on its own merits, or on a case by case basis. The Council have

⁷ Appendix 4: Supporting appeal and application decision notice documents

held prejudice against the proposal based on a prior application, which is contrary to the Regulations and Planning Practice Guidance.

25. The appellant has demonstrated that the proposal is an entirely separate and standalone application, providing considerable benefits in comparison to the existing conditions of the site. The proposal will:

- Reduce the presence of advertising displays by 50%
- Reduce the visibility of advertising content by 75%
- Reduce the overall prominence of the site, and replicate the appearance of paper and paste content
- Increase the area of green space at the site
- Increase biodiversity value of the land within the site by wildflower, hedgerow, and tree planting
- Improve the appearance of the site through landscaping works
- Regenerate the immediate area and encourage further positive development

The distance at which highway users will view the proposal remains identical to the site in its existing format, except, when looking east from Garratt Way; here there would be no view of any advertising display until highway users are parallel with the site. Currently, three advertising units are visible when travelling towards the site on Garratt Way. The proposal would result in a marked improvement in views looking east.

This scheme is materially different to the previous scheme for the site as it focuses the advertising on one part of the site thus reducing its visibility and de-cluttering the site. These are benefits which would only be delivered through the investment in digital which would be possible if express consent is allowed.

26. Point D) The appellant has precisely detailed how each advertising display will operate, the illumination levels to be adhered to, and the recommended conditions the displays are to be governed by. Examples have been provided identifying how digital displays interact with their surrounding environment in comparison to the paper and paste displays they have replaced. From the evidence provided, it is reasonable to deduce that the two digital advertising displays would not cause visual harm to the site or surrounding area. This is especially evident at night, where illumination has been reduced to 100cd/sqm and a curfew between 24:00hrs and 05:00hrs is to be implemented. The lack of any content presented at night is a material improvement over the existing site conditions. Therefore, and contrary to the Council's findings, it is considered that the significant improvements offered by the proposal's operation, amenity enhancement, and biodiversity planting, would contribute to the display's successful integration to the street scene, above that of the existing units.

27. Point E) There would be no direct views of the proposed advertising displays from residential properties. The closest residential dwelling to the site is 64m to the northwest, with habitable windows at 40m to the north. At these distances, and with controls in place to ensure screen output is appropriate for all day and night conditions, there would be no material impact upon residents as illustrated by the supporting light spill diagram⁸ (**Appendix 5**). The diagram demonstrates that the site, within Zone E3 (medium ambient

⁸ Appendix 5: Light Spill Diagram – 100cd/sqm

brightness urban area) will not cast light on any sensitive receptors. Even under the most stringent of conditions (Zone E1, 2lx) light from the display has dissipated at 19.7m. Furthermore, the appellants imposition of stricter controls on luminance in the evening will ensure the displays operate in a similar manner to the existing advertisements. A curfew is also proposed so that the advertisements would be switched off between 24.00 and 05.00. These controls together with the reduction in advertising would be a marked improvement on the existing position.

NOTE: Illumination levels referred to by the Council / Highway Services relate to non-digital advertising displays which are only illuminated at night. Levels '*considered appropriate*' by the Council do not take account of daylight operation, or the output required to display a digital image equivalent to an image presented on the existing paper and paste units.

28. Point F) The appellant has demonstrated within the planning statement, the appeal statement, and supporting documentation that the proposal would positively contribute to the amenity of the street scene and surrounding area. The digital displays would blend with the street scene, supported by the proposed vegetation improvements. The '*nature*' of the proposal can be readily accommodated by the site, being no more prominent than the existing displays, and in terms of scale and content visibility, they would reduce the prominence of advertising at the site. It is therefore determined that the proposal would not be visually obtrusive and would accord with the NPPF.
29. Point G) In light of the above findings, the proposal would adhere to the Council's Core Strategy and the saved policies of the Unitary Development Plan.

CONCLUSION

30. Bearing the forgoing, the appellant considers that the proposal would be acceptable in terms of amenity. It would not detract from the character, setting, and appearance of the site, street scene, or wider area and would lead to significant enhancements to the site which can only be delivered through the upgrade and digitisation of the existing advertisements. The appellant therefore respectfully requests that the appeal be allowed.

RECOMMENDED CONDITIONS

31. In addition to the five standard conditions, the following conditions are recommended:

A) Daylight illumination of the advertising display shall accord with the Institute of Lighting Professionals publication "The Brightness of Illuminated Advertisements PLG05 2015". Illumination at night shall not exceed 100cd/sqm.

B) Between the hours of 24:00 and 05:00 the advertising displays shall be switched off.

C) The minimum display time for each advertisement shall be 10s. There shall be no special effects of any kind before, during, or after the cycling of an image.

D) The sequencing of messages relating to the same product is prohibited.

E) The interval between successive advertisements shall be 0.1 seconds or less.