



Appeal Decision

Site visit made on 23 May 2024

by K Mansell BA (Hons) MPhil TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/B4215/Z/24/3337902

Frog and Bucket, 102 Oldham Street, Manchester M4 1LJ

- 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.
 - The appeal is made by The Frog and Bucket against the decision of Manchester City Council.
 - The application Ref 138522/AO/2023, dated 8 November 2023, was refused by notice dated 29 January 2024.
 - The advertisement proposed is described as '1 no internally illuminated SMD LED Digital Display location at 102 Oldham Street, Manchester M4 1LJ'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Regulations¹ and the National Planning Policy Framework (the Framework) 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 within 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) as well as advice in the Guide to Development in Manchester (2007) (GDM). This includes the Council identifying in the decision notice that it considers the proposal to fail to accord with policies T1, EN1, EN3, CC9, DM1, SP1 and EN12 of the CS, saved policies DC14.5, DC15.1, DC15.2, DC18.1, DC19.1 and E3.3 of the UDP. I have taken these policies into account as material considerations in so far as they are relevant to amenity and public safety. The Council's reason for refusal relates to both.
3. Places for Everyone Joint Development Plan (PfE) was adopted on 21 March 2024 by nine Greater Manchester Authorities, including Manchester City Council. This appeal was received before its adoption. However, 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 Plan has not had any impact on the stated policies in the decision notice as relevant to the appeal.
4. I am mindful that the appeal site lies within the Stevenson Square Conservation Area (CA) where there is a statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA. This statutory duty applies in this appeal in so far as it relates to the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

consideration of 'amenity'. The Council has also referred to the effect on the setting of nearby listed buildings. The related requirements of Section 66(1) of the Act do not apply to proposals for advertisement consent, because that statutory duty only pertains to considering whether to grant planning permission or permission in principle under the Town and Country Planning Act 1990. Nonetheless, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest² and I therefore necessarily take account of the presence of any nearby listed buildings in considering the effect on amenity.

Main Issues

5. The main issues in this appeal are the effect of the advertisement on the amenity of the area and its impact on public safety.

Reasons

Amenity

6. The internally illuminated LED digital display would extend to just under 12 square metres and it would replace an existing similarly sized non-illuminated sign. It would be sited approximately 8.6 metres above street level on the curved brick façade of 102 Oldham Street, at its junction with Great Ancoats Road, and at the intersection with the multi-lane A62 Oldham Road and the Ring Road. The urban character of the immediate area around the appeal site is primarily dominated by this expansive road network, which is fronted by buildings of varying scale, age and architecture.
7. No 102 lies within the boundary of the CA. From my observations on site and the evidence before me, the CA's special character is derived in part from its concentration of buildings dating from the Victorian and Edwardian era, including several that have been listed. Whilst the appeal property is more modern, it contributes to the CA not least in terms of its comparably modest scale, distinctive curved form and siting at the back edge of the pavement, which provides a consistent enclosure of the street. It harmoniously adds to the varied fabric of built form. The CA map also indicates the presence of listed buildings beyond its boundary. These include the brick Crown and Kettle public house opposite, with its highly articulated fenestration, the Express Building to its north-east and the Portland Stone former Midland Bank across the road junction to the north-west.
8. Despite the diversity of the form and appearance of buildings within the vicinity of the appeal site and its commercial character within the City Centre, on my site visit I saw no other digital display advertisements similarly placed on the upper level of any of the surrounding buildings. There are existing advertisements on properties close-by to No 102, as well as other forms of advertisement on the host building itself. However, for a busy commercial area, this other signage is typically concentrated at street level, above the shop fronts or commercial units, or otherwise consists of individual letters or non-illuminated signs.
9. In contrast, the appeal scheme would occupy a prominent position on the corner of the host building. It would be highly visible to the surroundings as a result. I recognise that the luminance would not exceed 300cd/m² at night-time or 600cd/m² during the daytime. Furthermore, I acknowledge that the content to the display

² Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

would contain neither flashing nor moving images and it would incorporate an ambient light sensor to monitor light levels, which could be automatically adjusted. Nevertheless, the introduction of an LED digital display with static rotating content in such an elevated location would draw the eye at a point that represents a visual gateway into the CA. It would be a conspicuous modern addition that would stand out from other building signage in the area. Such visual prominence arising from the advertisement would therefore have a harmful effect on the amenity of the area, and it would consequently cause harm to the character and appearance of the CA.

10. I appreciate that within the wider surrounds of the appeal site there are other advertisements. These include a large digital billboard adjacent to the Grade II Listed former Midland Bank building at 2 and 4 Swan Street fronting the A62, as well as further non-digital billboards along the road. Whilst I understand that the digital billboard was granted on appeal, I have not been provided with full details of these advertisement consents nor their history. Consequently, I cannot be certain as to the detailed considerations that applied in those cases. Moreover, from the information before me, these do not lie within the Stevenson Square CA, and, in any event, I am required to reach conclusions based on the individual circumstances of this appeal.
11. For the reasons given above, I conclude that the proposal would be harmful to the visual amenity of the area. It would also cause harm to the Stevenson Square CA, the desirability of preserving or enhancing the character or appearance of which is a matter that I have paid special attention to.
12. I have taken into account policies T1, EN1, CC9, EN3, DM1, SP1 and EN12 of the CS (2016) and saved policies DC15.1, DC15.2, DC18.1, DC19.1 and E3.3 of the UDP. In broad terms, these policies seek, amongst other matters, to ensure that proposals have regard to the character of the surrounding area, make a positive contribution to the locality, take opportunities for good design to improve the environment and to upgrade the appearance of the City's major radial and orbital roads, as well as preserving or enhancing the character of the historic environment, including conservation areas and the setting of listed buildings. These policies are material in so far as they relate to amenity. Given that I have concluded that the proposal would harm amenity, it therefore conflicts with these policies. For the same reasons, it would conflict with guidance within relevant sections of the GDM particularly at paragraphs 2.6 and 11.45 and Section 12 of the Framework, insofar as they relate to amenity, particularly in terms of enhancement of Conservation Areas where their character should be preserved or enhanced.

Public Safety

13. The proposed advertisement would face onto a multi-lane junction where Oldham Road, Great Ancoats Street and the Ring Road converge. Immediately adjacent to the appeal site, the highway is three lanes wide. Two of these lead traffic straight ahead onto the Ring Road beyond Oldham Street, where it becomes one-way. The third is a right-hand lane for those turning right onto the A62 Oldham Road. The traffic is managed by a signal-controlled junction, which incorporates a pedestrian and cycle crossing facility in front of No 102. A central reservation along Great Ancoats Street separates these lanes from the two that run in the opposite direction, which carry traffic that has turned left from the other main signal-controlled junction that approaches the intersection on the A62. The A62 at this point is four lanes. The other two lanes are separated into one lane for traffic,

including buses, travelling across the junction to Oldham Street, and another for those turning right onto the Ring Road.

14. Planning Practice Guidance (Advertisements) (the PPG) recognises that all advertisements are intended to attract attention. It clarifies that those proposed at points where drivers need to take more care are more likely to affect public safety³. The PPG goes on to identify the main types of advertisement which may cause danger to road users. It includes those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature, or obstruct or impair sightlines at corners, bends or at a junction.
15. On my site visit, I saw that the appeal site adjoins an intersection of major routes that is busy for all road users, including cars, buses and non-vehicular traffic, with each major arm of the junction incorporating a signal-controlled pedestrian crossing point, including provision for cyclists. However, whilst it is a high traffic, multi-lane and multi-user junction and a gateway route into the City, it is also well-managed, with traffic signals directing key manoeuvres from Great Ancoats Road and Oldham Road for both vehicle and non-vehicular movements. Moreover, from my observations on site, as a result of directions of travel, one-way streets and the location of the sign on the corner of the host building, the proposed advertisement would principally be directly visible only to road users travelling from Oldham Road towards either Oldham Street straight ahead or left to Great Ancoats Road.
16. Furthermore, whilst the junction could be considered complex in terms of the number of major roads that intersect, the approach for road users towards it along Oldham Road is reasonably straightforward. On my site visit I observed that traffic typically approached the signalised junction on Oldham Road with caution and at reduced speeds as would be anticipated for drivers approaching such a junction. Moreover, if the travel signals are green, a driver would proceed from Oldham Road through the junction, either around the bend onto Great Ancoats Road or along Oldham Street within the marked lines of traffic. The movement of pedestrians and cyclists would also be unlikely to be a distracting feature in this location, given that they are effectively signal controlled and would normally be expected to arise when traffic has stopped. Equally, pedestrians and cyclists would also typically cross the road when the traffic was stationary.
17. Whilst the advertisement would be elevated, and even in addition to the existing signage on the building, in terms of its capacity to divert the attention of road users, it would be of a reasonably modest size. With all these factors in mind, even in the absence of a road safety audit, whilst the advertisement may draw momentary attention, given the managed and controlled form of the intersection for all road users, including pedestrians and cyclists, I am not persuaded that it would increase the risk of accidents nor have a significant impact on road users approaching the junction.
18. I am mindful of the Council's concern that the screen could interfere with the view of the junction signal-heads for approaching drivers. It has not identified which junction signal heads, but from my observations of the junction, the advertisement would be most visible to vehicles stopping at the signals on Oldham Road. At this point, there are lights on each side of the road and a further set on the central

³ Paragraph: 067 Reference ID: 18b-067-20140306

reservation. The advertisement would lie ahead in the distance, but its modest size and the separation distance across the junction is such that, in my view, it would be unlikely to unduly obscure views of the lights or confuse or distract road users to the extent that it would result in harm to highway safety.

19. In light of the evidence before me, I conclude that the proposal would not detract from public safety. I have taken into account the Framework and Policies SP1 and DM1 of the CS and saved Policy DC14.5 of the UDP, which, in so far as they are relevant to the consideration of an advertisement appeal, require proposals to have regard to the safety of all road users and so are material in this case. Given that I have concluded that the proposal would not harm public safety, it does not conflict with these policies or guidance.

Other Matters

20. I have been referred to the environmental benefits that the installation of an LED advertisement may bring, including the advantage of LED over disposable plastic PVC posters for which the decomposition time may be significant. However, I have not been provided with the source for the data of PVC decomposition and, whilst I acknowledge that there may be a reduction in waste, this has not been determinative.
21. I further acknowledge the concern raised by the appellant that replacing the existing high-level poster requires machinery resulting in the pavement being blocked. I understand that it has not been replaced for 10 years, but I have no evidence before me to demonstrate that changing it resulted in any harm to pedestrians. The Council is equally concerned about fitting and maintaining the appeal proposal and the impact on the free flow of pedestrians. In both cases, the impact would be temporary, and I am mindful that the Council refer to the opportunity for pedestrian management measures to be provided with the anticipated installation period and maintenance frequencies, which would suggest that any harm to pedestrian safety for this temporary circumstance could be controlled and managed. In any event, I have determined this appeal on its merits.

Conclusion

22. For the reasons set out above, whilst I find that the proposal would not be harmful to public safety, it would harm the visual amenity of the area. For this reason, the appeal is dismissed.

K. Mansell

INSPECTOR