

Appendix

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Appeal Decision

Site visit made on 13 March 2018

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th April 2018

Appeal Ref: APP/B4215/Z/18/3195390

176-182 Oldham Road, Manchester M4 6BQ

- 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 Insite Poster Properties against the decision of Manchester City Council.
 - The application Ref 117893/AOH/2017, dated 16 October 2017, was refused by notice dated 13 December 2017.
 - The advertisement proposed is replacement of an existing illuminated 48-sheet scrolling advertisement with an illuminated 48-sheet digital display.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the advertisement on the amenity of the area, including the Ancoats Conservation Area (ACA).

Reasons

3. The appeal relates to the replacement of an existing 48 sheet free standing advertisement with a 48 sheet digital display in the same location. The Council states that the existing advertisement does not have the benefit of consent. The appellant contends that owing to the nature of the existing panel and the length of time it has been in place, it has deemed consent under Class 13 of Schedule 3 of the Regulations. This matter is not before me, though I have had regard to the evidence that an advertisement has been in place in this location for some time and that there is no evidence of any action being taken to seek its discontinuance.
4. The site lies in a busy main road location within the ACA. The street is characterised by a mixture of commercial properties, many with shop fronts. The site itself sits in front of a parcel of land that is currently in use for car sales. This forms a gap in what is a relatively dense built up terrace of properties leading to the city centre. A large sorting office and other commercial uses sit on the opposite side of the wide road. There is a similar free standing advertisement adjacent to the site which sits perpendicular to the road facing north east. There are also a number of similar examples in the vicinity of the site, though many lie outside the conservation area boundary.
5. As the site lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing its character or

appearance. From my observations, it is clear that the significance of the ACA lies in its commercial and industrial history and the influence this has had on the urban form, particularly its architecture and street pattern.

6. My attention has been drawn to a number of appeal decisions¹ which have been made in relation to the site itself or adjacent land. I have only been provided with copies of APP/B4215/H/1069012 and APP/B4215/H/10/2137397. In both cases, the Inspectors took account of the existing advertisements that were in place, but still concluded that any replacements would cause harm to the amenity of the area and the ACA. I recognise that what is proposed here is not entirely comparable, and there may have been some changes to the use of land behind the site since these decisions were made. Nevertheless, there is nothing to suggest that the broad character of the area has changed significantly in the intervening period and thus these decisions carry substantial weight.
7. Nonetheless, I have had regard to the fact an advertisement has been in this position for some time. There would clearly be some similarities between what is currently in place and what is proposed. The advertising panel would be the same size. However, it would be a digital display, which would alter both its appearance and prominence in the street scene. There would also be a substantial brick panel underneath the display, which would also have an artificial brick surround. This would result in the advertisement being both wider and taller than at present. The depth of the advertisement would also increase. Although already prominent, the existing advertisement has a lightweight appearance. The proposal would appear bulkier and have a more solid construction than the existing display. Coupled with the change to the nature of the display, the structure supporting the advertisement would result in a more prominent, bold and visually dominant feature in the street scene than what is currently in place. Thus there is a clear material difference between the proposal and existing advertisement.
8. When considering the sensitive nature of this location within the ACA, the bright, strident and overtly modern appearance of the display would not complement the more traditional style of buildings further along the road or the character of the conservation area in general. The appellant has argued that this part of the ACA differs to the core area closer to the city. However, the nature of nearby buildings within the ACA still reflects the more traditional commercial and industrial character. Rather than complementing the materials of nearby buildings, the use of brick panelling would only serve to make the advertisement more overt and emphasise the unsympathetic nature of the proposal to its immediate surroundings.
9. Although there are car sales taking place on the land to rear of the site, this is a low profile and low intensity use. Visually, the advertisement would still take up a prominent location in a gap between buildings. This would only serve to increase the prominence and impact of the advertisement, particularly when approaching from the west. The incongruity of its overall appearance within the ACA would be particularly striking.
10. The appellant has drawn my attention to the Planning Practice Guidance (PPG), which suggests advertisements should be located in commercial and industrial areas and adjacent to main highways. While I recognise the site reflects this to

¹ APP/B4215/H/1069012, APP/B4215/H/01/1080324, APP/B4215/H/10/2137397

an extent, the guidance also refers to the advertisement not adversely affecting the visual amenity of the neighbourhood. Irrespective of its commercial and main road nature, the site still lies in a sensitive location and what is proposed would fail to complement the character of the area.

11. I note the Council has raised concerns over the cluster of advertisements and street clutter. There is already an advertisement in place and thus the proposal would not add significantly to the level of clutter that already exists. However, while the additional bulk and prominence of the proposal would still add to and emphasise the cluster of advertisements in the area the degree of additional harm would be limited. This does not alter my view that the nature of the proposal would be harmful to the amenity of the area in its own right, by virtue of its overall size, prominence, design and siting. Consequently, the advertisement would also fail to preserve or enhance the character and appearance of the ACA.
12. The Council's reasons for refusal include reference to the potential effect on regeneration efforts in the area. The regulations and PPG make it clear that advertisements can only be refused where they would be harmful to amenity or public safety. As such, while I have concluded there would be harm to the visual amenity of the area I have given limited weight to any potential indirect impacts on regeneration activity in the area. There is also no substantive evidence before me that the siting of the advertisement would prejudice any specific regeneration activity on the adjacent car sales site. This does not alter my conclusion as to the overall acceptability of the proposal.
13. Taking all matters into account, I find that the advertisement would cause unacceptable harm to the visual amenity of the area, including that of the ACA. I have taken into account saved policies DC15, DC18, E3.3 of the Manchester Unitary Development Plan (1995) and policies DM1 and EM8 of the Manchester Core Strategy (2012) which seek, amongst other things, to protect amenity in terms of the siting and nature of advertisements, conservation areas and radial routes into the City. As such, these are material in this case. Given I have concluded that the proposal would harm visual amenity, there would be conflict with these policies. There would also be conflict with paragraph 67 of the National Planning Policy Framework, which highlights the negative effects of poorly placed advertisements.

Other Matters

14. The appellant has suggested that a 3 year consent could be granted to allow the Council to seek earlier removal of the advertisement should a regeneration scheme come forward. However, this would not remove or mitigate the harm to amenity identified above.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR

APPEAL DECISION RESPONSE

Applicant & Appellant response to dismissed appeal APP/B4215/Z/18/3195390 for 1no. digital display

The table below details the Planning Inspectors reasons for refusal and the appellants response / comments.

Reason Paragraph 5
As the site lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing its character or appearance. From my observations, it is clear that the significance of the ACA lies in its commercial and industrial history and the influence this has had on the urban form, particularly its architecture and street pattern.
Applicant Response
As described above, whilst the site lies on the outer boundary of the conservation area it has no impact upon the wider preservation or enhancement of the industrial built form it seeks to protect. These features lie beyond the site's influence and adjacent to the Rochdale Canal (cotton mills, worker housing, supporting buildings and roads). The industrial buildings cannot be seen from the site of the proposal, nor can the proposal be seen from the industrial buildings. The proposal would have no impact upon the significance of the industrial built form. The architecture and street pattern would be unaffected. It should be noted that the proposed D-poster will have a positive impact upon street scene within the CA. A bulky outdated backlit advertisement will be replaced with a low key digital format display which due to strict controls over illumination and operation, will be relatively muted in appearance. The D-posters curfew between 23:00 and 06:00 further ensures it positively contributes to the CA's appearance and is a significant improvement over the existing backlit display which operates throughout the night period. The proposal would therefore in effect, preserve and enhance this section of the CA.
Reason Paragraph 7
There would clearly be some similarities between what is currently in place and what is proposed. The advertising panel would be the same size. However, it would be a digital display, which would alter both its appearance and prominence in the street scene. There would also be a substantial brick panel underneath the display, which would also have an artificial brick surround. This would result in the advertisement being both wider and taller than at present. The depth of the advertisement would also increase.
Applicant Response

The proposed D-poster display is materially different to the prior proposal. It measures 6m x 3m to match the existing unit and the depth of the display unit is reduced to less than 0.1m. The outer framework surrounding the digital screen is slimmer and powder coated black or in neutral tones. There would be no 'brick panel' underneath the proposed D-poster, removing any sense of an 'artificial look'. The D-poster through design, calibration, monitoring and strict control over illumination levels would mimic the appearance of traditional poster advertisements, thus it would not appear overly prominent and would preserve and enhance the appearance of this part of the CA.
Reason Paragraph 7 Continued
The proposal would appear bulkier and have a more solid construction than the existing display. Coupled with the change to the nature of the display, the structure supporting the advertisement would result in a more prominent, bold and visually dominant feature in the street scene than what is currently in place. Thus there is a clear material difference between the proposal and existing advertisement.
Applicant Response Continued
The proposed D-poster by contrast would be significantly less bulky than the existing display, its construction would be low key and minimalistic as evidenced with drawing PA 04. The D-poster would be less dominant than the existing unit and introduce a smart commercial feature which respects the surrounding street scene; it would not appear over dominant or bold. It would contribute to the preservation and enhancement of the CA at the site location.
Reason Paragraph 8
When considering the sensitive nature of this location within the ACA, the bright, strident and overtly modern appearance of the display would not complement the more traditional style of buildings further along the road or the character of the conservation area in general.
Applicant Response
As previously identified, the site is not located within sensitive location in regards to the ACA. None of the industrial features or buildings protected by the ACA interact with the site at any point. The recent grant of consent for the five storey mixed use building adjacent to the site demonstrates that modern development within this location is appropriate and unlikely to negatively impact the ACA. Furthermore, the proposed D-poster is a low key, minimalist, slimline feature that will integrate with the street scene of the surrounding area. Traditional style buildings further along the road would be unaffected by the proposal. The positive change to the site would enable the preservation and enhancement of the CA at this location.
Reason Paragraph 8 Continued
The appellant has argued that this part of the ACA differs to the core area closer to the city. However, the nature of nearby buildings within the ACA still reflects the more traditional commercial and industrial character. Rather than complementing the materials of nearby buildings, the use of brick panelling would only

serve to make the advertisement more overt and emphasise the unsympathetic nature of the proposal to its immediate surroundings.
Applicant Response Continued
It is considered the above points are no longer valid as the character and appearance of buildings in proximity to the site has significantly changed. The proposal would be sighted in a location which does not relate to the 'traditional industrial character' of the CA's core built form (cotton mills, worker housing, redbrick industrial buildings, associated roads). The proposal would have no impact upon the CA's traditional industrial character. As previously stated, the materials are minimalist and low key and would not detract from the street scene or the CA. In fact, the improvement to the display of advertising at the site should have a positive impact upon the street scene and this section of the CA.
Reason Paragraph 9
Although there are car sales taking place on the land to rear of the site, this is a low profile and low intensity use. Visually, the advertisement would still take up a prominent location in a gap between buildings. This would only serve to increase the prominence and impact of the advertisement, particularly when approaching from the west. The incongruity of its overall appearance within the ACA would be particularly striking.
Applicant Response
The proposal would appear less prominent than the existing display, it would be reduced in elevation, depth, bulk, and overall size. Its positioning does not detract from the street scene and is long established; an accepted and expected feature as highway users pass the site location. The proposed display would continue to screen unsightly business signage and elevated shipping containers. In this regard, the proposal positively contributes to the amenity of the site and street scene. Furthermore, and in light of the recently constructed 5 storey mixed use building adjacent to the site, the proposed D-poser would appear as a subservient feature of the street scene, and would not have a material impact upon the preservation or enhancement of the ACA.
Reasons Paragraph 10
Irrespective of its commercial and main road nature, the site still lies in a sensitive location and what is proposed would fail to complement the character of the area.
Applicant Response
As demonstrated, the site does not lie in a sensitive location and the proposal would be an entirely appropriate within the mixed character environment that surrounds the site. The improvement to the site's appearance would positively contribute to the street and this section of the CA enabling its preservation and enhancement.