

23rd August 2023

Manchester City Council
Planning and Regeneration
PO Box 532
Town Hall
Manchester
M60 2LA

Wildstone Reference: 4629

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

216 Upper Brook Street, Manchester, M13 9LY

Renewal of express consent APP/B4215/Z/17/3187097 (LPA ref: 116813/AOH/2017 “Installation of LED screen advertisement to replace existing advert”.

Dear Sir/Madam,

Please find enclosed an application for advertisement consent to upgrade a long established internally illuminated Backlight advertising display to a modern digital format.

The proposal seeks to renew the recently expired express consent granted at appeal (appeal ref: 3187097, LPA ref: 116813/AOH/2017) for a ‘LED screen advertisement’ with an updated and modernised ‘LED screen advertisement’ known as a ‘D-Poster’. The D-Poster utilises the latest LED slimline technology, and as a result is substantially reduced in depth over earlier models, with the screen measuring 0.061m deep, whilst remaining 6m in width and 3m in height.

This proposal is part of an industry wide drive to rationalise, modernise, and upgrade advertising infrastructure to meet modern requirements. The overall strategy is to deliver premium sites in the best locations, capable of supporting multiple advertising campaigns and providing a piece of digital infrastructure adaptable to a wide range of uses.

The Applicant

Urban and Provincial Advertising Limited is part of the Wildstone Group, an outdoor media infrastructure provider that owns and manages the land and equipment required for advertising. Their advertising assets are then rented to operators, who sell the advertising space to local and national companies for various advertising campaigns.

Wildstone has invested in the development of hardware in the form of the “D-Poster” panel, which is a high-quality ultra-thin display that offers a high level of control over brightness and reduced energy consumption. The control mechanisms in place enable the D-Poster to mimic traditional formats during the day and ensure that it is muted and at a suitable contrast to the ambient light at night time.

Wildstone will always have a long-term investment in their sites regardless of who the tenant is and will manage their assets to ensure that the sites are well maintained and the displays are operating in line with planning conditions. Any problems arising from the sites can therefore be dealt with by a single controlling party.

As the largest owner of advertising assets in the Country, and landlord to all major operators, Wildstone are now also in a strong position to be able to push best practice. Through partnership with the media operators and screen maintenance and monitoring contractors, new systems of control have already been established to help manage the operation of the displays.

Content is controlled remotely in real time from a Network Operation Centre (NOC) and the sites are monitored remotely 24/7 to facilitate responsive maintenance. Engineers are located nationwide to be able to respond within 24 hours to any issues that cannot be dealt with remotely. Diagnostics software can report any small technical faults (e.g. a broken panel) so that a kill switch can turn the content to black until the engineer can reach the site.

The Proposal

The proposal to renew express consent 3187097 seeks to replace a longstanding Backlight advertising display operating with Class 13 deemed consent with a digital LED display at 216 Upper Brook Street.

As a renewal of express consent, the proposed D-Poster is near identical to the previously consented display, with the only difference being its reduced depth and improved appearance. All aspects relating to size, scale, position, and operation would replicate that of the previously consented display.

The proposed D-Poster will therefore measure 6m in width, 3m in height, 0.061m in depth, and will be elevated 4.4m above ground level to the first floor storey of the commercial property’s gable end wall. The proposed D-Poster will present static two-dimensional advertisements which update once every 10 seconds over a one minute cycle. The utilisation of the latest digital LED technology ensures that the proposal is low key, high quality, durable, efficient, and capable of mimicking the appearance of traditional format displays such as the existing Backlight unit on site (**Appendix 1**).

Conditions

All advertisements are subject to the five standard conditions set out in the Regulations. The vast majority of digital advertisement consents now also operate within an established set of parameters that include controls over the level of luminance and the proposed speed and rate of change between adverts. These “industry standard” conditions have evolved over time, in order to address common concerns relating to amenity and public safety.

The D-Poster displays operate with a system of threshold controls, timers, and light sensors to ensure that the luminance never exceeds the Institute of Lighting Professionals (ILP) guideline figures, with lower thresholds set on more sensitive sites.

The ILP have now introduced a set of model conditions which can be applied to advertisement consents going forward. The model conditions are set out within Appendix 1 of Technical Note 5 “The Brightness of Illuminated Advertisements including Digital Displays” PLG 05 23 (BIADD) and have been used as the basis for the proposed conditions set out in **Appendix 2** of this letter. As the proposal seeks to renew express consent 3187097, the applicant has specified that the proposed D-Poster will adhere to the same illumination conditions, operating at no more than 300cd/m² at night.

The Site

The proposal site is located at the north west facing gable wall of 216 Upper Brook Street, a three storey commercial building which hosts an internally illuminated Backlight advertising display (see **Figure 1-2** below). The Backlight display operates with Class 13 deemed consent, having continuously displayed advertisements over the past 10 years. The site lies within a commercial location that comprises local business, advertising, offices, student accommodation, and the A34 dual carriageway junction with Grafton Street. In this context, the proposal to renew express consent 3187097 and implement a low key, minimalist, slimline digital display is considered entirely acceptable. There has been no material change to the site or surrounding area since the Planning Inspector first granted express consent for a near identical digital display. It therefore stands to reason that the renewal of the express consent should be acceptable in regard to the appearance and function of the site and immediate area.

Beyond the immediate surroundings of the site, the area remains as it appeared and functioned when express consent 3187097 was granted in August 2017. Drivers approaching the site would continue to view multiple large scale buildings, business, and offices, with the site dwarfed in size and massing, appearing as a subservient feature of the street scene. To the rear of the site, offices, car parks, and local shops are evident aligning the A34 highway. To the east and west, along Grafton Street, the large scale built form continues with offices, commercial units, student accommodation, and the Manchester University Hospital buildings present.



Figure 1: Application site present day. **Figure 2:** Application site during 2017 when the Planning Inspector granted express consent for the consented digital display (3187097). The images demonstrate that there has been no material change to the site or surrounding area since the grant of express consent. The proposal to renew the express consent would have no further impact upon the site or surrounding area. As the with the consented digital LED display, the proposed digital LED display would successfully integrate to the site and surrounding area.

Planning Policy

The legislative framework for the control of advertisements is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the “Regulations”). Regulation 3 states that advertising should be controlled in the interest of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, in addition to any other relevant factors.

The National Planning Policy Framework 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. In accordance with Paragraph 136 of the National Planning Policy Framework (NPPF) advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts. As described in the National Planning Practice Guidance (NPPG) the regime is a “lighter touch” than the system for obtaining planning permission for development. The NPPG also clarifies that a local plan does not have to contain advertisement policies and that if such policies are considered necessary to protect the unique character of a particular area, these should be evidence-based.

Planning Considerations

The renewal of express consent 3187097 with a near identical digital LED display ensures that the proposal would successfully integrate to the street scene. The Proposed D-Poster matches the consented display's, size, scale, elevation, position, function, format, and operation. The strict controls over illumination levels will further ensure there would be no material impact on the site or surrounding area. Nevertheless, the impact of the proposal has been fully considered in amenity and public safety terms below.

In granting express consent for a near identical LED digital display on 23 August 2017 under appeal reference 3187097, the Planning Inspector recorded the following comments within appeal decision notice (attached).

Amenity

3) The appeal relates to an end of terrace three storey property located on a busy road junction. Upper Brook Street is a major arterial route into and out of Manchester City Centre and so carries high volumes of traffic. The surrounding area contains a mix of uses but buildings are generally large scale and include a hospital, University related buildings and student accommodation. The character of the area is therefore one of a busy commercial area.

4) There is an existing internally illuminated 48 sheet advertisement on the side elevation of the building which I understand has deemed consent. ... The size, scale, and location of this existing advertisement are issues to which I have had regard when considering the appeal scheme.

5) The proposed advertisement would be located in a similar position but would be smaller than the existing advert in both width and height, and would project less from the building. As a result, it would fit between the window at the first floor level and the front elevation of the premises, and would ensure that the majority of the brickwork at the second floor level would be visible. As such, the scale and size of the advertisement would be much more appropriate for the building on which it is located, and would mean that the advert would not be an overly dominant feature on the building. In not overhanging the front of the building or the windows, and exposing more of the brickwork, it would give the side elevation a much less cluttered appearance.

6) There are no views of the advert when travelling into the city centre, and views when travelling in the other direction are restricted to short / medium range views due to the other buildings in the vicinity. In the context of the large scale commercial buildings, the advert would not appear a strident or intrusive feature, even if the host property is of a smaller scale than other buildings in the immediate area. Whilst the advert may be visible from a limited amount of the student accommodation opposite, none of the windows directly face the advert and the majority are at a higher level than it.

The Planning Inspector concluded:

8) For the reasons set out above I consider that the proposal would not have an adverse impact on the host property or the surrounding area. As a result, I consider that the appeal should be allowed.

In consideration of the Planning Inspector's reasoning to grant express consent 3187097 (above), the lack of any material change to the appearance / character of the street scene and surrounding area, and the near identical LED screen as part of the proposal to renew the express consent, it stands to reason that the extant proposal would be entirely acceptable in terms of amenity. Moreover, the proposal to renew express consent 3187097 would positively contribute to the appearance of the street scene, over and above that of the consented display through its significantly reduced screen depth of 0.069m.

Public Safety

The Planning Inspector in granting express consent 3187097 was only required to consider potential impacts in terms of amenity and did not comment on the proposal in regard to public safety impacts. The Council accepted that the proposal would not be detrimental to public safety (see application decision notice attached), however, no further commentary was provided, and no delegated officer report has been published by the Council. The applicant therefore considers the proposal's renewal of express consent 3187097 potential impacts to public safety below.

The proposal site is located within view of highway users primarily travelling south on the A34 Upper Brook Street and would appear in forward views as drivers approach the junction between the A34 and Grafton Street. There would be limited views of the site for drivers turning right onto the A34 to head south from Grafton Street as the site would appear parallel to the road, requiring drivers to turn 90 degrees to face the site. It is unlikely that drivers turning left onto the A34 to head south from Grafton Street would have views of any advertisements due to the site appearing side on (see **Figure 3** below).



3.

Figure 3: Aerial overview of application site and highway junction between A34 and Grafton Street.

Key: Red Line – Proposed D-Poster. Green Line – drivers travelling south on the A34 approaching site location. Purple Line – drivers joining the A34 to travel south from Grafton Street. Yellow Line: Traffic signal stop line. Blue Dots – Traffic signal heads for traffic approaching site.

Whilst the site is located adjacent to the A34 / Grafton Street signalised junction it would have no impact upon its safe usage; all traffic signals would remain visible to highway users due to the site's setback, offset, and elevated position to the host building's gable wall (**Figure 3** above). The layout of the junction is straightforward as is the surrounding highway network, with no unexpected features or complicated sections of roadway present. Both the A34 and Grafton Street are limited to 30mph, are straight, level, well lit, and provide good forward visibility; drivers would be entirely capable of assimilating advertisements without endangering highway safety. Thus, the positioning, location, and visibility of the proposed display would not be problematic in regard to highway or public safety.

Furthermore, there has been no material change to the layout or use of the surrounding highway environment since the Planning Inspector granted express consent at the site on 23 August 2017. There is no indication that the highway environment would materially alter over the upcoming five years. The proposal would result in a less prominent and less distracting site due to the D-Poster's slimline nature and its strictly controlled operation, especially at night. The proposal to renew express consent 3187097 represents an opportunity to improve highway public safety.

It is considered that the proposal to renew express consent 3187097 and replace the existing internally illuminated Backlight advertising display with a D-Poster LED digital display would be entirely acceptable. As demonstrated above, the proposal would have no detrimental impact on the existing highway environment, and no further impact on highway / public safety than that considered acceptable by the Council when the Planning Inspector granted express consent 3187097 on 23 August 2017.

It therefore stands to reason, that the proposal to renew express consent 3187097 with a digital display that operates and appears near identically to the consented display, would not detract from highway or public safety.

Conclusion

The proposal to renew express consent 3187097 granted on 23 August 2017 for a digital LED display to replace a Backlight advertising display would not detract from amenity or public safety. In granting express consent for the near identical digital display the Planning Inspector was satisfied that the proposal would not harm the character and appearance of the site, street scene, or surrounding area. Manchester Council itself determined that the proposal would not harm public safety; the Planning Inspector did not therefore comment on any public safety aspects.

No part of the surrounding environment relating to amenity or public safety has materially altered since the August 2017 grant of express consent. The proposed D-Poster LED digital display would have no greater impact upon the surrounding environs than that which has already been considered entirely acceptable by the Council (public safety) and Planning Inspector (amenity). The established acceptability of a digital display at the site should not change with the implementation of a D-Poster which would positively contribute to amenity and public safety.

The proposed D-Poster LED display functions identically to the consented digital LED display, and would be of the same dimensions (6m wide x 3m high) apart from its depth, which would be significantly reduced to 0.061m. When compared to the existing Backlight display, it would appear reduced in size and scale and far better suited to the host building's gable end wall. It would appear subservient to the wall and the surrounding built form, appropriately sized, and in keeping with the street scene.

The proposed D-Poster LED display will operate under the strictest of conditions, with illumination levels adhering to the ILPs BIADD document. Night time illumination would be limited to 300cd/m² (Environmental Zone 3). The D-posters illumination / operation ensures that it would not be detrimental in terms of amenity or public safety.

The proposed D-Poster LED display would be situated such that it would be visible to oncoming traffic over a moderate distance. The highway environment is relatively straightforward with no unexpected features; highway users would be fully capable of assimilating advertisements without endangering public safety.

It therefore stands to reason that the proposal to renew express consent 3187097 would have no further impact upon amenity or public safety than that considered acceptable when the Planning Inspector granted express consent on 23 August 2017.

For these reasons and the positive benefits set out, it is respectfully considered that the application should be granted express consent.

Application Submission

In order to complete the application, please find attached the following documentation:

- Completed application forms
- Letter Statement (this letter);
- Architectural drawings including;
 - 4629 PA 01 Site Location Plan
 - 4629 PA 02 Existing Site Plan
 - 4629 PA 03 Proposed Site Plan
 - 4629 PA 04 Existing and Proposed Elevations

Additionally, we will arrange payment to the Council to cover the cost of the Advertisement Consent application.

I trust that the above is clear and we look forward to receiving notification that the application has been registered in due course. Should you have any queries in relation to any of the attached information, please do not hesitate to contact me.

Yours faithfully,

Richard Page
Planner
Email: richard.page@wildstone.co.uk

Appeal Decision

Site visit made on 22 January 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2018

Appeal Ref: APP/B4215/Z/17/3187097

216 Upper Brook Street, Manchester M13 9LY

- 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 Mr Alan Mottershead against the decision of Manchester City Council.
 - The application Ref 116813/AOH/2017, dated 26 June 2017, was refused by notice dated 23 August 2017.
 - The advertisement proposed is a digital LED screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of the digital LED screen as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The structure incorporating the LED digital display panel hereby approved shall be displayed only in accordance with the following:
 - a) No individual advertisement displayed on the LED panels shall contain moving images, animation, video or full motion images or any images that resemble road signs or traffic signals.
 - b) No individual advertisements shall be displayed for a duration of less than 10 seconds.
 - c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panels.
 - d) The display panels shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - e) A mechanism shall be in place to ensure that if the installation breaks down, it shall default to a blank screen, to avoid any flashing error messages or pixilation.
 - f) The maximum luminance of the advertisements displayed on the panels shall not exceed 600cd/m² during the day and 300cd/m² during non-daylight hours.

Main Issue

2. The main issue in the appeal is the visual impact of the proposed advertisement on the building and the surrounding area.

Reasons

3. The appeal relates to an end of terrace three storey property located on a busy road junction. Upper Brook Street is a major arterial route into and out of Manchester City Centre and so carries high volumes of traffic. The surrounding area contains a mix of uses but buildings are generally large scale and include a hospital, University related buildings and student accommodation. The character of the area is therefore one of a busy commercial area.
4. There is an existing internally illuminated 48 sheet advertisement on the side elevation of the building which I understand has deemed consent. It is located above the ground floor level obscuring much of the brickwork and overhangs the front elevation of the buildings as well as partially covering windows on the side elevation. The size, scale and location of this existing advertisement are issues to which I have had regard when considering the appeal scheme.
5. The proposed advertisement would be located in a similar position but would be smaller than the existing advert in both width and height, and would project less from the building. As a result, it would fit between the window at the first floor level and the front elevation of the premises, and would ensure that the majority of the brickwork at the second floor level would be visible. As such, the scale and size of the advertisement would be much more appropriate for the building on which it is located, and would mean that the advert would not be an overly dominant feature on the building. In not overhanging the front of the building or the windows, and exposing more of the brickwork, it would give the side elevation a much less cluttered appearance.
6. There are no views of the advert when travelling into the city centre, and views when travelling in the other direction are restricted to short / medium range views due to the other buildings in the vicinity. In the context of the large scale commercial buildings, the advert would not appear a strident or intrusive feature, even if the host property is of a smaller scale than other buildings in the immediate area. Whilst the advert may be visible from a limited amount of the student accommodation opposite, none of the windows directly face the advert and the majority are at a higher level than it.
7. The various policies within the development plan to which the Council have referred, as well as the National Planning Policy Framework, have been taken into account as a material consideration. However, as the regulations require that decisions are taken only in the interests of amenity and public safety they have not been a decisive consideration in reaching my decision.

Conclusion and Conditions

8. For the reasons set out above I consider that the proposal would not have an adverse impact on the host property or the surrounding area. As a result, I consider that the appeal should be allowed.
9. As well as the standard conditions for advertisements, in the interests of highway safety conditions are required: to prevent the display of any advertisements that depict any images that resemble road signs or traffic signals and moving images; to ensure a smooth transition between images and the length of time images are displayed; to ensure that there are no error messages displayed in the event of a breakdown; and to restrict the levels of

luminance during hours of darkness and at other times to ensure they respond to the ambient light levels.

Alison Partington

INSPECTOR

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

Refusal of Advertisement Consent

Applicant

Mr Alan Mottershead
PO Box 371
Altrincham
WA15 7WJ

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Installation of LED Screen advertisement to replace existing advert.

Location: 216 Upper Brook Street, Manchester, M13 9LY

Date of application: 28 June 2017

Application number: 116813/AOH/2017

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

In assessing the merits of a planning application, officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. There were no such issues that needed to be dealt with in respect of this application.

Reason(s) for decision

2) The proposed digital advertising screen is refused on the basis that because of its siting, scale, form, massing and design it would have a detrimental impact on the surrounding environment. It would be an unduly obtrusive and overly dominant feature within the area, adding clutter to the street. It would also be out of scale in relation to the building on which it is sited. Additionally, in line with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 1 Regulation 3(3) the current advertisement can be disregarded when assessing the visual amenity of the proposed advertisement, and so should not be considered when assessing the impact on visual amenity of the proposed advertisement. Therefore, the proposal would have an unacceptable and detrimental impact on the visual amenity of the area and the host building, contrary to the aforementioned policies: NPPF Section 7, Policies EN1, SP1,

DM1 of the Core Strategy for the City of Manchester and saved policy DC15 of the Unitary Development Plan for the City of Manchester.

Date: 23 August 2017

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision refers only to that required under the Town and Country (Control of Advertisements) (England) Regulations 2007 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse consent or approval for the proposed development, or to grant consent or approval subject to conditions, they may appeal to the Secretary of State in accordance with section 78 of the Act as amended by the Regulations within eight weeks of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.