

Appendix

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Appeal Decision

Site visit made on 26 November 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/B4215/Z/19/3236553

Land at Mill Green Street, Manchester M12 6FB

- 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 David Godfrey (Kwick Build Limited) against the decision of Manchester City Council.
 - The application Ref 123100/AOH/2019, dated 20 March 2019, was refused by notice dated 12 July 2019.
 - The advertisement proposed is two illuminated digital advertisement boards.
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Decision

1. The appeal is allowed and express consent is granted for two illuminated digital advertisement boards as applied for. The consent is subject to the five standard conditions set out in the Regulations and the additional conditions set out at the end of this decision.

Procedural Matter

2. The application form indicates two advertisements of around 7.5 x 5 x 0.1m above bases of 0.3m in height. In contrast, the elevation detail on drawing number 2018/07/01 Rev 11 March 2019, indicates a height to the base of the advertisements of roughly 3m, resulting in a total height for the structure of about 10.5m. Both the Council's report and appellant's evidence reference a height of 3m to the base of the advertisement display and this is indicatively represented in the additional graphic provided at the time of application. For the avoidance of doubt, I have also considered the proposals on that basis.

Main Issue

3. The main issue is the effect of the proposed advertisements on amenity.

Reasons

4. The site is located to the south of a major traffic intersection where the A635 Fairfield Street, an eastern radial route to the city centre, meets the inner ring road. The area lies outside of the city centre and is characterised by primarily industrial and commercial premises set about wide road corridors to the north of the railway viaduct serving Manchester Picadilly train station. The site consists of a mounded grassed quadrant of publicly accessible greenspace featuring a number of young and semi-mature trees. It is bordered by storage and manufacturing premises.
5. The intersection is one of three major junctions in close proximity. As such, the area is of low sensitivity to advertising and visual amenity levels relatively low.

Consequently, there are relatively high numbers of advertising hoardings and displays both about the signalled junctions and along the approach roads. These are present within and about commercial premises, the highway and local greenspaces.

6. The proposed signs are significant in scale, however, these would be seen in the context of the height of the viaduct, the adjacent trees and in the spacious setting of the wide road corridors and open junction areas. Here they would not appear excessively large and would be commensurate both in scale and design with other display examples found locally.
7. Although there are significant clusters of advertisements about the nearby junctions these are often arranged to address the specific views of approaching highway users. Consequently, the ability to interpret them in significant numbers within a single view is often limited. The proposed signs would have a degree of separation and be positioned to be seen from different observation points.
8. Views of the southernmost proposed sign would be substantially limited to travellers using that part of the ring road (Mancunian Way) south of the junction. Here it would be seen against the backdrop of trees within and adjacent to the application site. Views travelling southwards would also include the substantial backdrop of the viaduct. This view would be partly balanced by an existing digital display standing on the opposite side of the carriageway.
9. Due to the separation of those digital displays the combined effect would not cause any significant adverse effects upon the visual amenity of the locality. Some smaller signage attached to a business below the viaduct would be seen in the southward view but, by virtue of its scale differentiation and position beyond the access road to Mill Green Street, would not visually compete or result in a significant level of visual clutter.
10. The northernmost sign would offer a wider field of viewing, being orientated diagonally across the junction. This would primarily address traffic travelling eastwards from the city centre and south-moving traffic on the ring road. This signage would be seen in conjunction with a static twin advertising hoarding angled across the corner of, and providing screening to, an adjacent commercial storage premises. The existing hoardings form the last of a series of advertisements along the southern side of Fairfield Street aimed at capturing static traffic waiting at the junction with the ring road.
11. Whilst the proposed sign would extend this run, it would not be highly visible in its context due to the slip road curvature. Views in tandem with the adjacent hoardings would be achieved from the junction area, however, due to the separation, some visual isolation arising from the backdrop of the trees and the contrasting format, this would not appear visually oppressive or as signage clutter. The arrangement would be comparable to that viewed travelling southward on Pin Mill Brow on to Chancellor Lane. As such, it would not appear out of context or cause significant harm to the visual amenity of the locality.
12. The proposed locations of the signs would result in a requirement to remove several of the existing trees within the greenspace. Whilst their removal would not undermine its integrity, their loss would result in some reduction in amenity value. However, the appellant has offered to replace any trees removed on a 2-for-1 basis to mitigate the identified harm. Subject to securing suitable

compensatory planting through planning condition, I am satisfied the proposed development would maintain a suitable standard of amenity open space.

13. In accordance with the Regulations, I have taken into account policies SP1, EN1, EN9 and DM1 of the Manchester's Local Development Framework Core Strategy Development Plan Document and saved policies DC15.1, DC15.2 and E3.3 of Unitary Development Plan for the City of Manchester (1995) so far as they are relevant to amenity.
14. For the above reasons, I have concluded that the advertisements would not harm local amenity subject to compensatory tree planting. The appeal proposal is therefore consistent with the National Planning Policy Framework (the Framework) and above local plan policies in that respect.

Other Matters

15. The Council have raised concerns in respect of the potential of the proposals to adversely affect regeneration efforts in the locality and cause the loss of carbon sequestration through removal of some of the trees. Whilst I acknowledge that the Council retains strategies for the managed regeneration of identified areas and policies for protecting the multiple functions of greenspaces, I consider these are matters that fall outside the scope of the Regulations as described within the National Planning Practice Guidance (PPG).
16. The site lies within an area subject to surface Safeguarding Directions¹ for Phase 2b of the High Speed Two (HS2) national rail infrastructure project. The required consultation with HS2 Ltd, on behalf of the Department for Transport, has taken place. Whilst HS2 Ltd consider the timeframe for the construction and delivery phases of the HS2 project are unlikely to conflict with a 5 year period of consent for the proposed adverts, they express concerns that the proposed development may conflict with requirements for pre-construction surveys or works on the site. In accordance with the terms of the Direction, HS2 Ltd. wish to reserve their rights to serve notice to require removal of the proposed development and request this be secured by condition to any grant of consent.
17. Under the provisions of s31 of the Town and Country Planning (Development Management Procedure)(England) Order 2015, relating to Directions by the Secretary of State, I must give effect to the above safeguarding direction in this matter and therefore consider the requested restriction to the proposed development is appropriate.

Conditions

18. I have considered the suggested conditions from the Council and had regard to Paragraph 55 of the Framework and the PPG in terms of the use of planning conditions. In addition to the standard advertisement conditions, a condition controlling the brightness, mode and avoidance of images considered prejudicial to highway safety is imposed to protect highway safety.
19. A condition requiring removal of the advertisements after the period specified within the application form is amended to include removal beforehand, if

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844435/LPA_Ph2b.pdf

necessary, to avoid conflict with the Government's intention to build and operate a high-speed railway in this location. The suggested wording has been amended to provide greater precision and clarity.

20. A condition requiring the replacement tree planting is necessary to mitigate the proposed removal of existing trees.

Conclusion

21. For the reasons outlined above, the appeal is allowed.

R Hitchcock

INSPECTOR

Schedule of Additional Conditions:

- 1)
 - (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
 - (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
 - (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
 - (d) The display panel 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 so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
 - (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather.
- 2) Prior to the removal of any trees from the site a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 3) In the absence of a further grant of express consent, the advertisements permitted by this consent shall be removed from the site no later than 5 years from the date of this decision or, where required beforehand within 3 months of receipt of a notice from HS2 Ltd / the Nominated Undertaker under the HS2 Act, (or such a later date not exceeding the consented five year period, as HS2 Ltd at its sole discretion may determine and notify in writing to the Owner and the Developer). Removal of the advertisements shall be in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority prior to their removal.

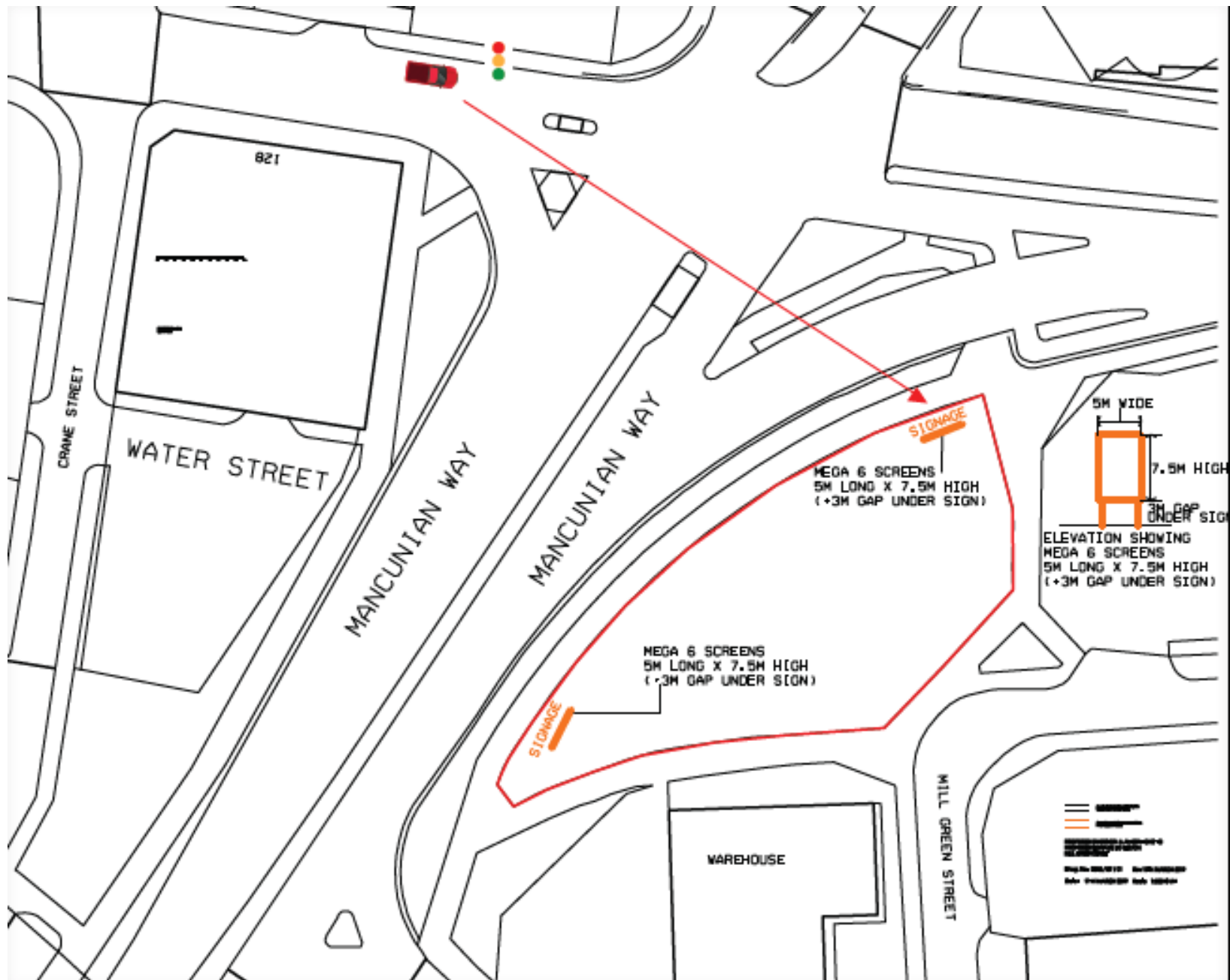
End of conditions.

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 385533, 397575



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EASTBOUND FAIRFIELD STREET



SOUTHBOUND MANCUNIAN



EASTBOUND FAIRFIELD STREET



WESTBOUND FAIRFIELD STREET

