



Appeal Decision

Site Visit made on 17 March 2021

by Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

Appeal Ref: APP/G4240/Z/21/3266485

190 Manchester Road, Hyde, Tameside SK14 2BX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (Regulations) against a refusal to grant express consent.
 - The appeal is made by The Wildstone Group against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00915/ADV, dated 25 August 2020, was refused by notice dated 13 November 2020.
 - The advertisement proposed is removal of existing billboards and replacement with 48 sheet freestanding digital advert.
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Decision

1. The appeal is allowed and planning permission is granted for existing billboards and replacement with 48 sheet freestanding digital advert at 190 Manchester Road, Hyde, Tameside SK14 2BX in accordance with the terms of the application, Ref 20/00915/ADV, dated 25 August 2020, subject to the five standard conditions set out in the Regulations and the following conditions:
 - 1) The intensity of the illumination of the advertisement permitted by this consent during day time shall be within that recommended by the Institute of Lighting Professionals (for a sign within Zone E3) in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 2) The intensity of the illumination of the advertisement permitted by this consent shall be no greater than 300 candela/square metre during hours of darkness, other than between the hours of 00:00 hrs and 05:00 hrs when it shall be no greater than 200 candela/square metre.
 - 3) There shall be no moving, or apparently moving images, or sequencing of images over more than one display.
 - 4) The display shall not change more than once every 10 seconds and the interval between successive displays shall be instantaneous (of no greater than 1 second).

Preliminary Matters

2. The appeal site address on the application form is different to the address stated on the appeal form and decision notice. The appellant has confirmed the correct address which is detailed in the banner heading above. I have dealt with the appeal accordingly.
3. The appellant has provided some amended plans as part of their statement of case. The Council have not provided any comments on these, nor is there any

certainty that the amended plans have gone through a formal consultation process allowing interested parties the opportunity to provide comments. On that basis I have attached no weight to these plans and have assessed the appeal on the proposal that was refused consent by the Council.

Main Issue

4. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The surrounding area is characterised by a mix of residential and commercial properties. The appeal site consists of an existing billboard which is visible along Manchester Road and situated opposite a row of terraced properties. Due to commercial buildings being in the immediate vicinity there are a range of advertisements and signage which contribute to the character of the area.
6. The proposal would be located in the same position, at the same orientation and no bigger than the existing billboard. The proposed advertisement would be sited around 18.5 metres from windows to habitable rooms in the row of terraced properties opposite the site. This separation distance from the residential properties is similar arrangement to the existing advertisement.
7. The proposal would be an illuminated advertisement. The appellant has submitted a D-Poster Testing and Site Report (DTSR), which compares illumination values between digital media advertisement panels and poster/paste advertisement billboards during the day and night, and also provides effect of light spill on nearby buildings.
8. The DTSR indicates that illumination from the proposed advertisement can be adjusted using dimming levels which would ensure that the proposal would not be overly bright or be an invasive structure either during the day or at night time. The appellant has also suggested the use of a planning condition which would reduce the levels of illumination further at night time.
9. Concerns are raised regarding the changes in images on the advertisement however, planning conditions can control the timings to ensure that the image changes are instantaneous and that the images are not changed too often.
10. From the evidence before me, including the DTSR, I am satisfied that the proposed advertisement, due to its size, orientation, location and levels of illumination, would not be an incongruous feature that would have a negative impact on the residential character of the area or adversely affect the living conditions of occupiers of nearby residential properties.
11. Accordingly, I find that the proposal would not have a harmful effect on the amenity of the area. The proposal would be in accordance with the National Planning Policy Framework which seeks to achieve well-designed places.

Conditions

12. I have imposed the five standard conditions set out in the Regulations.
13. The appellant has suggested a number of conditions which I have considered. Firstly, in the interests of amenity, the advertisement should operate at an illumination level no greater than 300 candela/square metre at night time other

than between the hours of 00:00 and 05:00 when it should be no greater than 200 candela/square metre. During the day, and in line with data set out in DTSR in conjunction with the proximity of residential properties and the environmental zone, illumination levels shall be in accordance with the requirements of the PLG 05. I also consider it necessary in the interest of amenity to impose conditions that the display shall not change at a frequency of more than once every 10 seconds, that there shall be no moving, or apparently moving images, or sequencing of images over more than one display and that the interval between successive displays should be instantaneous.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR