

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)
REGULATIONS 2007**

APPLICATION : THE MANCHESTER SCREEN HOLDINGS LTD

SITE : 56-58 SWAN STREET, MANCHESTER M4 5JU

PLANNING STATEMENT

1.0 The Existing and Proposed Display Panels

- 1.1 The site is the south-east facing flank wall of no 56 Swan Street. No. 54 Swan Street has been demolished, revealing the party wall of no. 56. As an internal wall, this should not have been revealed to the street. It is an eyesore and not proof against weather. It is therefore covered in black sheet plastic, battened to the wall (see 2008 photograph attached). This untidy wall was improved following an approval for a plastic banner skin and poster display panel in 2009 - a copy of the appeal decision is attached. The resultant display is as shown in the 2011 photograph attached. The approved panel is an internally illuminated 48-sheet display of some 6m x 3m display area.
- 1.2 Time has taken its toll on both panel and skin. Sunlight has washed out the skin to grey and white and it is torn towards the top. The bottom 6 feet or so is disfigured with graffiti - all as shown on the attached 2021 photograph. The poster panel is lit with internal neon-tube lights. These are inefficient in terms of electricity usage, have a comparatively short life and often produce an uneven spread of light through the plastic advertising face sheet. This type of advertising was current in the late 20th and very early 21st century. It is now outdated both in appearance and technology.
- 1.3 We therefore propose to replace the old panel with a new digital version. The panel would be of exactly the same display area and in the same position on the wall. Its orientation would remain exactly the same. The only significant difference is that the panel will be capable of displaying a series of static images. The banner skin which covers the remainder of the wall would be replaced at the same time. It would cover all of the wall up to the gable (as the existing). It would show plain brickwork; and we could produce it in grey or red brick

as the Council thinks best (we would suggest grey matches the surroundings better).

2.0 The Site and Surroundings

- 2.1 As described above, the site is an unsightly flank wall. No. 56 Swan Street is a three-storey building in commercial use at street level. It lies on the north side of Swan Street, to the south of its junction with Rochdale Road and Shudehill. From no.56 to the junction is a parade of commercial premises, mostly behind nondescript shopfronts. The buildings at the corner have been demolished. The corner site and much of the adjacent land to the north (Rochdale Road frontage) and north-east (behind the appeal site) is being developed as a massive residential block, up to 31 storeys in height. This will only increase the already massive scale of the buildings in the backdrop to the appeal site, already dominated by no 1 Rochdale Road.
- 2.2 To the site's south-east, the north side of Swan Street is fronted by a now dated, three-storey, concrete and grey-panelled office block and a series of unrelated poor quality commercial buildings and gap sites used for car parking.
- 2.3 The south side of the street is mixed. Towards the junction are mainly modern buildings, including the massive Crowne Plaza Hotel block and a brick building, apparently built in the style of a bonded warehouse. Further to the south-east is one of the market halls, now in use as a restaurant, and a terrace of buildings mostly in leisure use. Of these, the Market Hall and no 29 Swan Street are Grade II listed. These buildings are included in the Smithfield Conservation Area whose boundary follows the south side of Swan Street and Shudehill.
- 2.4 Swan Street is part of Manchester's Ring Road which connects the south-east and north-west parts of the city. At the appeal site it is a one-way street, south-east to north-west. At the appeal site, it is four lanes wide. These lanes are clearly marked both on the road and by traffic directional signs to ensure that drivers select the correct lane for their desired direction at the junction. The left lane is for left-turning traffic (into Shudehill), the right-hand lane is separated for right-turning traffic (Rochdale Road), and the two centre lanes for straight ahead, Ring Road, traffic. The traffic lights at the junction are simple. For traffic along Swan Street, there is only a single phase for all directions.

3.0 Advertisement Control Policies

3.1 The Council have several relevant policies saved from their UDP and in their Core Strategy 2012-17. Policy SP1 requires the protection and enhancement of the built environment. This is certainly satisfied; both the screening of the ugly wall and the provision of a modern, state-of-the-art advertising panel are an enhancement to the present street scene. EN1 requires good design - there can be no question over the quality of the proposed panel's design. E3.3 requires improvement to the environment of the city's major roads. Again, this policy is satisfied - imagine the site with neither panel nor skin! UDP Policy 15.1 and 15.2 requires consideration of location and possible positive impacts - both satisfied. The panel does not obstruct architectural features; nor is it in a residential area or create clutter. Its impact on public safety is considered below. But its amenity impacts are acceptable in terms of consideration against the Council's policy requirements. And it must be borne in mind that these policies cannot be decisive in the determination of the application. Section 38 of the Planning and Compulsory Purchase Act 2004 does not apply to advertisement applications, since there is no requirement in the Advertisements Regulations for regard to be had to the development plan in reaching a decision. As required by the Regulations, and confirmed in paragraph 136 of the NPPF, it is the advertisement's impact on amenity and public safety which must be decisive.

3.2 We believe that considerable weight should also be given to other factors within the NPPF. The achievement of sustainable development is described in paragraph 7 as "the purpose of the planning system". This paragraph also defines sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The replacement advertising panel complies with this definition. It is patently needed by the applicant and contributes to the economic health of the country (paragraph 8(a) of the NPPF). As to the environmental impacts, digital display technology is advantageous for the following reasons:

Flexibility - It allows for greater flexibility in the use of a particular display space;

Waste reduction - It does away with printed vinyl and the attendant waste that comes when printed advertisements are no longer required;

Content management efficiencies - Content is managed remotely avoiding the need for personnel to drive to and from the site to change content;

Servicing and maintenance efficiencies - A lot of servicing and maintenance of digital displays can be carried out remotely avoiding the need for personnel to drive to and from the site;

Service life and recyclability - The light emitting diodes (LEDs) from which digital displays are manufactured have a longer service life compared to traditional illumination technologies, and are recyclable at the end of their operational life;

Sustainability - Advertising panels are completely sustainable. They meet the needs of today (and tomorrow, in digital form) and they can be entirely removed if required, leaving no trace which might compromise future generations.

Reflecting the above-mentioned advantages, digital display panels are now increasingly commonplace across the United Kingdom (including in the Manchester area and sponsored by the Council, ie on Council-owned land).

- 3.3 Paragraph 81 of the NPPF places "significant" weight on the encouragement and support of economic development. There is no doubt that outdoor advertising is an essential element of the commercial activity of the country. It is a £1 billion pa industry. It employs many people both directly and indirectly; and contributes large sums to both local and national exchequers in taxes and rates. And it helps to support the local economy also through rents paid to landlords as well as providing building and maintenance work. This is an important factor when considering particularly economic recovery following the current pandemic. The economy needs all the help it can get.

- 3.4 Further guidance is in the PPG. Paragraph 8 states:

"This might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual

amenity of the neighbourhood or the site."

3.5 This advice is pertinent. The proposed replacement panel is:

in an overwhelmingly commercial setting;

in a major city;

set amongst large buildings;

adjacent to a major highway; and

wholly in keeping with the present visual amenity of this mainly large-scale commercial area.

4.0 Amenity

4.1 The general scale and character of Swan Street and the area around its junction with Rochdale Road is well fitted to accommodate the display of modern digital advertising panels. This is a city centre area, full of activity and life which is being constantly improved with the demolition of older buildings (such as the application site and the terrace of which it forms the premature end) and their replacement with massive blocks in mixed commercial and residential use. And the "local" character is also considerably affected by the transport corridors and junctions of Swan Street (itself part of the Ring Road) and other major ring road and through routes (Ring Road, Rochdale Road and Oldham Road). These cut wide swathes of tarmac, signs, lights and lines, traffic, noise and dust through the whole area. The general acceptability of the closely surrounding area for the display of digital panels is demonstrated by the Council's approvals for these modern displays (in place of backlit panels, exactly as proposed here) at:

- on Oldham Road, just to the north-east of its junction with Swan Street. A 96-sheet digital panel is set immediately adjacent to the Grade II listed former Midland Bank and facing traffic approaching the application site along the Ring Road continuation of Swan Street;

- on the east side of Rochdale Road, just to the north of its junction with Swan Street. A Mega-96 sheet digital panel (some 18m x 4.5m, over three times the size of what we propose) is set at the back edge of the footway in front of the Euro Car Park, visible to traffic travelling in either

direction along Rochdale Road; and

- on the west side of Rochdale Road at the Angel PH, virtually opposite the Mega-96. A 48-sheet digital panel faces north-east bound traffic along Rochdale Road as well as traffic emerging from Angel Street (the latter faced head-on for a great distance by the Mega-96).

This is all exactly as suggested in the PPG (as above).

- 4.2 Any amenity objections were fully considered in the 2009 appeal decision (APP/B4215/H/08/2092249). In general terms, the Inspector concluded (paragraph 4):

"I consider the skin would improve the overall appearance of the site and the size of the poster panel would be proportionate to the scale of the building and relate well to it."

He further concluded that the scheme would not detract from the building's (now no.56) or terrace's appearance.

- 4.3 In terms of the listed buildings, the Inspector concluded (Market Hall):

"..even if this temporary appearance was improved, I consider that the appeal site and the Market Hall are far enough apart and separated by the heavily trafficked Swan Street itself such that they are not viewed together directly. This leads me to conclude that the display would not have a materially adverse impact on the setting of the Market Hall."

And, in respect of no. 29 Swan Street:

"Similarly ... the distance to the appeal site and separation by Swan Street leads me to conclude that its setting would not be materially harmed by the display."

- 4.4 In respect of the Smithfield Conservation Area, the Inspector concluded (paragraph 5):

"Views into the CA would not be affected by the display and whilst there would be some oblique views out of the CA towards the site, it would not appear incongruous in the context of the overall commercial character of the area. This leads me to conclude that the character and appearance of the CA would be preserved."

- 4.5 The Inspector further concluded that the panel did not create any semblance of clutter; and that, by improving the appearance of the site, there would be no significant harm to the visual amenity of the Ring Road.
- 4.6 Whilst the Market Hall has been restored to beneficial use, this was allowed for by the Inspector. No other significant changes have occurred in the meantime and the site and surroundings remain substantially as the Inspector saw them in 2009. His decision was predicated on the appeal site undergoing some form of regeneration and he thus granted consent for only 3 years. Recession saw off any immediate regeneration and the fact is that the site and immediate surroundings remain as they were. This explains the continued existence of the wall skin and panel even since the express consent expired. Indeed, the panel has now been displayed for so long that it benefits from deemed consent under Class 13 in Schedule 3 to the Regulations and may thus continue to be displayed lawfully and indefinitely. What we therefore propose is simply a continuation of the status quo but with a refreshed skin and up-to-date advertising display. We cannot see how this can be other than beneficial to visual amenity until the site is finally redeveloped.

5.0 Public Safety

- 5.1 Public safety was not raised as an objection by the Council in respect of the present display. The only significant difference in the present proposal is that the digital panel we now propose will be capable of displaying a series of individually static images.
- 5.2 We propose that the panel will display images which will change every 10 seconds. The change will be seamless and without any visual effects such as swiping or fading. The illumination will be controlled by ambient light sensors such that the image will appear at the same constant brightness throughout daylight hours. At night (dusk to dawn), the panel will have its illumination restricted to a maximum of 300cd/m². This is the level recommended by the Institute of Lighting Professionals for an advertisement of this size within a well-lit city centre.
- 5.3 Whilst the panel will be seen on the northbound approach to the traffic signals at Rochdale Road/Shudehill, it will not be seen behind any of the traffic signal heads. In fact, the panel is some 70 yards from the stop line at the lights. This provides ample horizontal separation such that the panel will never be confused with the

signals. The signals will be in direct line of sight along the road carriageway and will remain the dominant feature in a driver's forward view.

- 5.4 Whilst the panel may display changing images, this is no longer a novel feature. There are now many such panels in Manchester (particularly as in paragraph 4.1 above) and throughout the UK. Many are seen on the approach to traffic signals; yet none has been shown to have such a distractive impact on a driver as to cause any accident. As always, drivers only look at extraneous material when the driving task permits. Roadside movement is not, per se, distracting - in a city centre, roadside movement is continuous. As advised in the DHLUC guidance "Outdoor advertisements and signs: a guide for advertisers" (page 28):

"But the planning authority will assume that all advertisements are intended to attract people's attention, so that the advertisement you want to display would not automatically be regarded as a distraction to passers-by in vehicles or on foot. **What matters is whether your advertisement, or the spot where you propose to site it, will be so distracting or so confusing that it creates a hazard for, or endangers, people who are taking reasonable care for their own and others' safety.**"

We have emphasised in particular "people who are taking reasonable care for their own and others' safety". This is crucial. The Regulations are not framed to provide for those who are failing to take reasonable care when driving. And this advice emphasises the difference between "potential" and "actual", recognisable and avoidable hazard.

6.0 Conclusion

- 6.1 This assessment of the proposed replacement panel's impact on the site and its surroundings suggests that not only will there be no harm to visual amenity or public safety, there will actually be an enhancement to the amenity of the site and surroundings by the refurbishment of the site with a new "brick" skin and modern advertisement display. This can only enhance the setting of the Smithfield Conservation Area and nearby listed buildings.
- 6.2 It is therefore respectfully requested that a new express consent be granted for a further 3 years. We understand that the site is proposed for redevelopment for

residential use (the developer is presently constructing a residential development to the north, at the back of Swan Street). This would seem a reasonable period for obtaining the requisite permissions, arranging finance and making preparations to start on site. If the redevelopment can be brought forward, the panel would naturally be removed without any public liability for compensation.

7.0 Conditions

7.1 To regulate the display in the interests of amenity and public safety, we offer the following conditions to be attached to the express consent. These are mostly for the avoidance of any doubt and are similar to those imposed on most similar displays throughout the UK.

7.2 The suggested conditions are therefore:

- 1) This express consent shall expire 3 years from the date of this decision;
- 2) The Standard Conditions;
- 3) Before the advertising panel hereby approved is first displayed, the flank wall shall be covered with a new banner/skin which shall show a representation of red or grey brickwork only;
- 4) The luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level;
- 5) The maximum luminance of the advertisement shall not exceed 300cd/m² during darkness (dusk to dawn);
- 6) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed;
- 7) The interval between successive displays shall be 0.1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement;

- 8) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road traffic signs, traffic lights or traffic matrix signs shall be displayed;
- 9) The advertisement shall include controls to ensure smooth uninterrupted transmission of images;
- 10) The sequencing of messages relating to the same product is not permitted;
- 11) If the installation breaks down or is not in use, it shall default to a plain, black screen.